

Gaumond, Leon

From: VanderClock, Donna <VanderClock.D@westonmass.org>
Sent: Tuesday, May 22, 2018 10:54 AM
To: Gillespie, Doug; Houston, Christopher; Boshart, Harvey
Cc: Yanakakis, Lisa
Subject: Silver Hill Group - 255 Merriam
Attachments: doc06192720180511160031.pdf

FYI – the neighbors continue to want Town Counsel to have a conversation with Mark Bobrowski about what kind of zoning amendment would be acceptable to her. As you know, the problem is that the proposed resolution removes the affordable housing units, which isn't the best outcome for the Town.

Donna S. VanderClock
Town Manager
Town of Weston
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www.weston.org - sign up for email or text Town news
[Facebook: Town of Weston, MA](#)
[Twitter: @Town_of_Weston](#)

Please be aware that the Secretary of State's office has determined that most emails are public records and, therefore, may not be confidential.

From: Katherine D. Laughman [<mailto:klaughman@k-plaw.com>]
Sent: Saturday, May 12, 2018 8:53 AM
To: VanderClock, Donna
Cc: Ilana Quirk; Lauren F. Goldberg
Subject: FW: Weston

[REDACTED]

~Katie

Katherine D. Laughman, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
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This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

From: Mark Bobrowski [<mailto:mark@bbhlaw.net>]
Sent: Friday, May 11, 2018 3:52 PM
To: Katherine D. Laughman <klaughman@k-plaw.com>
Subject: Weston

Hi Katie – I left you a long voicemail, and this is the follow up.

I request that you review my memo in response to your March 2nd missive to the Planning Board, all related to the proposed overlay district on the warrant.

The letter speaks for itself. I'm hoping that you might soften your tone a bit so that the vote can go forward with a reasonable chance of success.

Unfortunately (not really!), I'm headed to Moab UT early tomorrow to float the Green River for a week off the grid. If you have the time or inclination to call me Saturday around 2 (Denver) or after 5 (Moab) we might be able to chat for a few minutes. I'll understand if you can't.

Thanks!

Mark

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MARK BOBROWSKI
Mark@bbhlaw.net

May 1, 2018

Katherine Laughman
KP|Law
101 Arch Street
Boston, MA 02110

RE: Transportation Oriented Senior Development Overlay District (TOSDOD)
Weston, MA

Dear Katie:

Please be informed that I serve as the mediator in the matter of Silver Hill Group, LLC v. ZBA of Weston, et al. The case involves the appeal of the Silver Hill comprehensive permit. As mediator, I suggested that the parties co-sponsor an article at the annual Town Meeting to allow for reduced density on the site. The result is the TOSDOD, as it was originally submitted to the Planning Board in March, 2018.

I read with great interest your memorandum of March 2, 2018, addressed to the Weston Planning Board. In particular, I have been asked to respond to your discussion of spot zoning.

I completely agree with your statement of the historic factors that have shaped the doctrine of spot zoning. You hit all the right notes. When I wrote that part of my *Handbook* regarding spot zoning in Chapter Three, I mentioned all of the factors you covered in your March memorandum.

However, as I prepare the 4th edition of my *Handbook* (due next week), my recent experience has taught me that the factors you (and I) have identified have now conflated into a single test. I think this trend began in *W.R. Grace v. Cambridge*, 56 Mass. App. Ct. 559 (2002). The Appeals Court ruled that a Cambridge amendment was not spot zoning. Instead of ticking off the factors you (and I) have deemed instrumental to make the judgment, the Appeals Court went straight to a substantive due process analysis:

[T]he Zoning Act generally permits cities and towns to adopt any zoning provisions which are constitutionally permissible. See *Sturges v. Chilmark*, 380 Mass. 246, 253 (1980). The constitutional test is whether the by-law is "clearly arbitrary and unreasonable, having no substantial relation to the public health, safety, morals, or general welfare." (citation omitted) Due process challenges to government action

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affecting economic activity call for an inquiry "whether the challenged measure bears a rational relation to any permissible public object which the legislative body 'may plausibly be said to have been pursuing.' " (citation omitted) Zoning authority "rests for its justification on the police power, and that power is to be asserted only if the public health, the public safety and the public welfare, as those terms are fairly broadly construed, will be thereby promoted and protected. ***A zoning by-law will be sustained unless it is shown that there is no substantial relation between it and the furtherance of any of the general objects just mentioned.*** (emphasis added) *Caires v. Building Commr. of Hingham*, 323 Mass. 589 , 593 (1949). Every presumption is made in favor of the by-law, and, if its reasonableness is fairly debatable, it will be sustained. *Id.* at 594-595.

This trend continued in *Andrews v. Town of Amherst*, 68 Mass. App. Ct. 365 (2007),¹ a reverse spot zoning case. The Appeals Court reviewed the classification of certain land as flood prone even though it had last flooded in Hurricane Flora in 1999. Again, the Appeals Court based its ruling on substantive due process:

Limits on power of the town to establish zoning districts. In general, a municipality is given broad authority to establish zoning districts regulating the use and improvement of the land within its borders. See, e.g., *Board of Appeals of Hanover v. Housing Appeals* ., 363 Mass. 339 , 359 (1973) (holding that "the zoning power is one of a . . . town's independent municipal powers included in art. 89, § 6's broad grant of powers to adopt ordinances or by-laws for the protection of the public health, safety, and general welfare"). See also *Durand v. IDC Bellingham, LLC*, 440 Mass. 45 , 50 (2003) (*Durand*); *W. R. Grace & Co.-Conn. v. City Council of Cambridge*, 56 Mass. App. Ct. 559 , 567 (2002) (*W. R. Grace & Co.-Conn.*). The exercise of broad legislative powers granted to municipalities under the Home Rule Amendment (art. 89 of the Amendments to the Massachusetts Constitution) is limited by whether the enactment violated State law or any other constitutional protections. See *Durand*, supra at 53-55 (no statutory violation where a town followed the procedure for amending a municipal zoning ordinance set forth in G. L. c. 40A); *Van Renselaar v. Springfield*, 58 Mass. App. Ct. 104 , 108 (2003), quoting from *Rando v. North Attleborough*, 44 Mass. App. Ct. 603 , 606 (1998) (spot zoning "violates the uniformity requirements of G. L. c. 40A, § 4, and 'constitutes a denial of equal protection under the law guaranteed by the State and Federal Constitutions' "). The touchstone is whether the enactment falls within the broad police powers of a town to promote the public good and safety. See *Durand*, supra at 52 (reviewing whether the amendment "was an arbitrary or unreasonable exercise of police power having no substantial relationship to the public health, safety, or general welfare"); *W. R. Grace & Co.-Conn. v. City Council of Cambridge*, supra at 565 (viewing the police power and spot zoning arguments "as raising essentially a single issue, i.e., whether the amendments were a legitimate exercise of the city's authority under the Zoning Act"). (emphasis added)

¹ See also, *Van Renselaar v. City of Springfield*, 58 Mass. App. Ct. 104 (2003).

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Note the last sentence of the quote. Spot zoning is now "a single issue" - whether the amendments were a legitimate exercise of the city's authority under the Zoning Act. I have to admit that I did not see this change in the doctrine until I tried *Bellis Circle v. City of Cambridge*, 12 MISC 460250 (RBF), in the Land Court. I represented Bellis Circle in this case. At issue was a zoning amendment that downzoned only Bellis Circle's 40,000 square foot lot to reduce the density of any potential buildout thereupon from approximately 75 units to approximately 40 units. The citizen petition cited congestion, traffic, and neighborhood character as grounds for the downzoning of this single parcel. Here is a part of Judge Foster's ruling for the City:

If the reasonableness of [the Amendment] is fairly debatable, the judgment of the local legislative body (here the [City Council]) should be sustained and the reviewing court should not substitute its own judgment." *National Amusements, Inc. v. City of Boston*, 29 Mass. App. Ct. 305,309 (1990); see *Crall v. Leominster*, 362 Mass. at 101; *Caires v. Building Commr. of Hingham*, 323 Mass. 589, 594-595 (1949); *Andrews v. Amherst*, 68 Mass. App. Ct. at 369.

Bellis Circle taught me that all the municipality has to do is show that the zoning was amended to promote one valid public purpose and the amendment will stand. Here is Judge Foster again:

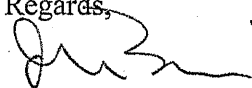
As the court in *Andrews* held ... "[a]lthough reasonable minds may differ, the [Amendment] has not been shown to be substantially unrelated to the public health, safety, or general welfare, nor arbitrary or unreasonable. Rather, the enactment of the [A]mendment constituted a valid exercise of the police power." *Andrews*, 68 Mass. App. Ct. at 376.

In the instant matter, the TOSDOD and, now, the amended TOSD, has many benefits, all stated in its purpose clause. These goals certainly meet the "fairly debatable" standard for a valid public purpose set by the Courts.

In your March 2nd memorandum, you stated "it is my opinion that if the TOSDOD Bylaw were to be challenged in court, it may be found to constitute impermissible spot zoning." I hope my letter might convince you to take another look at the evolution of the treatment of "spot zoning" by the Appeals Court. I've added the quote from *Andrews* to wrap up my discussion of spot zoning in my new Chapter Three - the argument raises "essentially a single issue, i.e., whether the amendments were a legitimate exercise of the city's authority under the Zoning Act." My clients ask that you take a similar view in order that Town Meeting might have a more nuanced appreciation of the risk involved in approving this district. Frankly, I see little or no chance the zoning amendment constitutes spot zoning.

I'm happy to talk with you about this if you like. Please let me know if you have any questions.

Regards,

A handwritten signature in black ink, appearing to read 'Mark Bobrowski', written over the printed name.

Mark Bobrowski

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Gaumond, Leon

From: Gillespie, Doug <Gillespie.d@westonmass.org>
Sent: Wednesday, March 28, 2018 11:06 AM
To: John Sallay
Subject: Re: 133 BPR Follow-up

Thanks John. This is very helpful
Doug

Douglas P Gillespie
Sent from my iPhone

On Mar 28, 2018, at 10:59 AM, John Sallay <jsallay@comcast.net> wrote:

Doug – I guess I had the wrong email for you, as this bounced back.

John

From: John Sallay [<mailto:jsallay@comcast.net>]
Sent: Wednesday, March 28, 2018 10:56 AM
To: Chris Houston (cehouston@outlook.com) <cehouston@outlook.com>; Doug Gillespie (DGillespie751@aol.com) <DGillespie751@aol.com>; Harvey Boshart (harvey.boshart@gmail.com) <harvey.boshart@gmail.com>
Cc: Al Aydelott (alaarch@earthlink.net) <alaarch@earthlink.net>; John McDonald (johnfmcdonald3@hotmail.com) <johnfmcdonald3@hotmail.com>; 'VanderClock, Donna' <VanderClock.D@westonmass.org>
Subject: 133 BPR Follow-up

Chris/Doug/Harvey,

As follow-up to last night's discussion of the 133 Boston Post Road project, I want to suggest that you find someone to put together a 3D rendering of the 200 unit/150 sq. ft. option versus the 275 unit/195 sq. ft. option, so everyone can actually envision the visual impact, with enough animation so that it can be viewed from many angles. It would not have to be very artistic – just topography, rough greenery, and blocks representing the buildings.

And while this might seem even more farfetched, you might even consider commissioning a VR version. The technology isn't that complicated or unusual these days, and there are many folks in the Boston area who could do this for you. I find the traditional architectural maps just a little too uninformative and, well, flat, so to speak. Moreover, the exclamation that we're talking about a million square feet, to me sounds too much like Dr. Evil in Austin Powers (<https://www.youtube.com/watch?v=EJR1H5tf5wE>).

Also, while I'm at it, here are the questions that I believe you will need to answer at the November (or whenever) town meeting:

- 1) What's the problem we're trying to solve? Do we need to solve it? I believe the answer is yes, but Diana Chaplin believes the answer is no. She may not be right, but she's not crazy or stupid. We need to have a really crisp and convincing rationale, and just because the Planning Board or the HPP says so will not be enough, I don't think. Also, as a corollary, just because the HPP says 200 units, which might have been fine for the purposes of filing a HPP with the state, it does not necessarily mean it's right for this particular project in the present circumstances.
- 2) Will 133 BPR (however proposed) solve the problem? My concern is that, at 200 units, the answer is no. Even with a 14 unit Building E at BSA, that still leaves a gap of ~60 units versus the identified 275 unit deficit. Since we have had only a few successful unfriendly 40B projects in

- 8
- Weston since 40B was enacted in 1969 (or maybe even just one), needing to deal with 60 more units is the functional equivalent of having to deal with the entire 275. Note that the HPP just does some hand-waving and assumes that we will figure out how to deal with this need in the two final years of the planning period. Also note that at ~\$400,000-450,000/unit (without any cost of land), having to construct another 60 units besides Building E could cost the town up to another ~\$25 million (about 2x the cost of the new police station and more than the cost of the Field School).
- 3) Is this the only way to solve the problem? I think someone audibly gasped last night when one speaker suggested reclaiming conservation land around town for alternative affordable housing locations. Nevertheless, there may be some other options that have not been fully considered. For example, at one point Joe Mullin observed that the old Weston College building and surrounding land might be an option under the right circumstances. I'm not saying this is a great idea, but if there are no other great ideas, it places the 133 BPR opportunity in a sort of special place, I think, and might affect how we negotiate with Boston Properties.
 - 4) What does Boston Properties want/need? The recent financial analysis of 133 BPR is a very thorough analysis of the costs, but does not touch on the revenue side, let alone the investment returns. To BP, the value of the land is both a sunk cost and very low, to the point of being meaningless when we're talking about a roughly \$250 million dollar investment that will be required of them for this project. At the Planning Board meeting two weeks ago, they stated that their corporate hurdle rates are 6% for residential and 7% for commercial projects. This needs to be independently confirmed. Note that the project has economies of scale and, even at the 345 unit size, they do not hit their hurdle rates. We need to have a complete investment analysis done before we start negotiating with them, so we understand where they are coming from.
 - 5) What, really, would be the impact of the various configurations? In addition to the 3D animation or VR mentioned above to help better understand the impact of the various size options, I believe we need to examine in more depth the issue of elderly vs. all-demographic housing. Again, my intuition is consistent with everyone else's, that the elderly affordable concept will have less overall impact on the town, but it's not entirely a no brainer. For example, recall that the school enrollment has been dropping significantly over the last several years, and is projected to continue dropping for at least another decade. As you know, this has negative consequences for the schools and especially school finances. Having some mix of school age children in the new complex would not be entirely negative, not only from a school diversity perspective, but also from a curriculum/financial perspective. It might also have implications for the METCO program.

I'm very sorry for this long email. I did not start out with the intention of it being this long, but I hope you find these additional thoughts helpful.

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Gaumond, Leon

From: John Sallay <jsallay@comcast.net>
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To: gillespie.d@westonmass.org
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Cc: Al Aydelott (alaarch@earthlink.net) <alaarch@earthlink.net>; John McDonald (johnfmcdonald3@hotmail.com) <johnfmcdonald3@hotmail.com>; 'VanderClock, Donna' <VanderClock.D@westonmass.org>
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Gaumont, Leon

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Sent: Wednesday, March 28, 2018 10:56 AM
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John

Gaumond, Leon

From: James Polando <jnpolando@gmail.com>
Sent: Tuesday, March 27, 2018 9:27 AM
To: Gillespie, Doug
Subject: BP Development

Hello Doug:

We noticed that you attended the PB meeting last night to listen to the unfortunate news about the negotiations. We continue to be impressed by the time, effort and thought that has been expended by the PB members that were on the BP negotiation team.

We are feeling a big let-down when it comes to affordable housing and the potential to resolve the long-standing expose to hostile 40B projects. A BP development of even the 200 proposed units would be a huge gain on our deficit, and have us be able to see the light-at-the-end-of-the-tunnel.

We understand that every neighborhood has a nuclear reaction to hosting affordable housing, but we are constantly reminded that the "town as a whole" continues to support the belief that we should have it.

Therefore, as the BoS will be getting the PB report, it comes to mind that we need to see if we can save the project from the scrap heap. The PB proposal for 200 housing and 150KSF office and the BP response for 275 and 200 KSF are two options that we think the BoS need to consider moving forward. We also think that a middle ground proposal may be in order, and something like a 250 housing and 175 KSF office, retaining the PB "conditions", and that this may be a viable issue to bring to a town referendum, in lieu of TM.

We fully understand that a decision to build affordable housing on any piece of land in town will be unpopular to some, but in order to have any chance of getting to Safe-Harbor (10% affordable) we need something big. Is this the opportunity?

We plan to attend the BoS tonight and would very much appreciate a discussion of where we go from here, and not I guess this is dead.

Thanks for your consideration, and your efforts to continue a discussion.

Jim and Leslie

--

James N. Polando, PE, CPD, FASPE

242 Merriam St. Weston, MA 02493




781-697-7173

JNPolando@gmail.com

Gaumond, Leon

From: Weston Town Hall <listserv@civicplus.com>
Sent: Thursday, March 22, 2018 10:15 AM
To: gillespie.d@westonmass.org
Subject: Your Top 5 in Town News

- Rail Trail Construction
- Town Election
- Update Your Subscriptions

-  Share on Facebook
-  Share on Twitter
-  Share via Email

Your Top 5 in Town News

An easy to digest, digest of Town Government news to help Weston residents stay informed more easily.

1 - 133 Boston Post Road and Annual Town Meeting

The Planning Board is anticipated to make its recommendations to the Board of Selectmen on March 27th regarding this 40B housing development and office expansion proposal from Boston Properties, including revisions to the existing Development Agreement. The March 14th and 21st meetings were cancelled due to snow and will (hopefully) be held on March 26th at 5:30 p.m.

The Development Agreement between Weston and Boston Properties will need to be amended and approved by Town Meeting, which is anticipated to be coming to the May Annual Town Meeting. The Warrant (meeting agenda) is currently being drafted and will be posted to the Town's website once it is approved by the Selectmen at their April 3rd meeting. Watch for Town News notifications for the Warrant and Town Meeting information.

Other business for Annual Town Meeting on May 7th includes several Community Preservation Act fund request and the Fiscal Year 2019 Operating Budget. The Community Preservation Committee will be holding its public hearing on March 26th at 7:00 p.m. The Annual Budget Hearing (for Town and School budgets) is scheduled for April 30th at 7:00 p.m., both are in Town Hall.

2 - Upcoming Information Meetings

The **Town Manager Screening Committee** will be holding a public input session on April 9th at 7:00 p.m. in the Case House. Watch for Town News notifications for additional information.

The **Rail Trail Advisory Committee** will be hosting an information sharing meeting on April 12th at 7:00 p.m. in the Weston Public Library. Committee members will be sharing the latest work updates, including a summary of feedback received from neighborhood meetings and engineering drawings for proposed parking areas.

3 - Spring Cleaning

Street Sweeping and Hydrant Flushing - if it ever stops snowing, the DPW will move into spring clean-up mode. Both operations typically begin in April. Watch for Town News notifications for start dates and additional information.

Cradles to Crayons Donation Drive - The WCCA and PTO have organized a collection to benefit Cradles to Crayons, a non-profit organization that helps to provide low-income and homeless children with essential items, such as children's clothing, shoes and winter gear; baby gear; and socks and PJs. More info and locations are online. Starting March 26th to April 6th.

Household Hazardous Waste Collection: April 7th, from 9:00 - 1:00 p.m. at the Public Works facility on Rt. 20. The Town's website has a list of what residents can and cannot bring.

Ready for Spring Home Workshop - on April 10th staff from the Land Use, Board of Health, and Conservation will be on hand to answer questions on making improvements to your home and property, including septic systems, home renovations/demolitions, wetlands, stormwater, and building permits. Staff from the Fire and the Public Works departments will also be available to answer questions about home safety and functions of the DPW. 6:00 - 8:00 p.m. in the Community Center.

Brush Dump Spring Hours: Bring branches, brush, leaves and other yard waste to the Composting Facility on Merriam Street. Open four consecutive Saturdays from 7:00 - 3:00 p.m. on April 21, 28, May 5, & 12. Residents must have a valid Transfer Station Permit or Recycling Permit. Free compost is available.

Annual Shredding Event - residents may bring their sensitive documents to the Police Department where a shredding truck will be available on May 11th from 9:00 to noon.

4 - Use Caution on Weston's Trails

Due to the recent storms, many trees have fallen on Weston's 90+ miles of trails. Downed trees on trails can be dangerous, so approach them with caution. Assess the situation, and if necessary, turn around and find another route. Look up for broken and hanging limbs and avoid going under them. Use extreme caution if climbing over downed branches or trunks; they may shift position and cause injury.

Our trails manager will be working extra time clearing downed trees from trails, but it will take a few weeks to get to them all. If you find a tree blocking a trail, please report it to conservation@westonmass.org. If possible, include a photo of the tree and a description of the tree's location (e.g. name of the conservation area, closest trail intersection, nearest house number, etc).

5 - Step Up Your Recycling: Cardboard

Cardboard is one of the largest, single components of municipal solid waste and is also the largest category of materials recycled every year. In Massachusetts, all non-waxed and clean cardboard products are banned from being disposed of with solid waste, which is why recycling cardboard at the Weston Transfer Station is so easy. By recycling just a little bit more, you can do a lot. Visit Weston.org/RSW for more information on how you can recycle more.

BONUS NEWS

Rail trail construction - Watch for Town News notifications of when construction will start up again on the coming rail trail. Eversource and MassDCR anticipate this project being substantially complete by summer (the unblocking of the Conant Rd. underpass anticipated for next year). The rail corridor will be closed to pedestrian traffic during construction, but Weston's trails will be open. Residents need to be mindful of the inability to access certain trails that intersect the rail trail during active construction.

Annual Town Election is May 5th. A list of candidates is available at Weston.org/TownElection. Last day to register to vote is April 13th.

Update your subscription topics. New topics have been added to the Town of Weston listserv. Be sure to check them out at weston.org/StayInformed. Also check out the Community Events calendar and subscribe to receive notification of upcoming events in Weston.

17

***Don't miss another Top 5 or quarterly newsletter.
Subscribe today by entering your email address
and clicking the "Sign Up" button. Click on the envelope
next to the "Town Hall Newsletter" to receive this update in
your inbox. You'll receive an email from
listserv@civicplus.com asking you to verify your
subscription.***

3

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Gaumond, Leon

From: VanderClock, Donna <VanderClock.D@westonmass.org>
Sent: Thursday, March 1, 2018 4:46 PM
To: Gillespie, Doug; Houston, Christopher; Boshart, Harvey
Cc: Yanakakis, Lisa
Subject: FW: IMPORTANT NOTICE: Upcoming Neighborhood Meeting with Boston Properties and Planning Board

FYI

Donna S. VanderClock
 Town Manager
 Town of Weston
 P.O. Box 378
 Weston, MA 02493
 781-786-5020
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[Twitter: @Town of Weston](#)

Please be aware that the Secretary of State's office has determined that most emails are public records and, therefore, may not be confidential.

From: Fleming, Kara
Sent: Thursday, March 01, 2018 3:11 PM
To: VanderClock, Donna
Subject: FW: IMPORTANT NOTICE: Upcoming Neighborhood Meeting with Boston Properties and Planning Board

From: tbeastman@aol.com [<mailto:tbeastman@aol.com>]
Sent: Thursday, March 01, 2018 11:46 AM
To: tbeastman@aol.com
Subject: IMPORTANT NOTICE: Upcoming Neighborhood Meeting with Boston Properties and Planning Board

Dear Neighbors,

As mentioned in my last message, the Planning Board would like to conduct another round of neighborhood meetings between now and March 12. The purpose is a face-to-face discussion with Boston Properties and the Planning Board in an effort to come to a meeting of the minds. The starting point for the discussion will be the Status Report issued by the Planning Board and submitted to the Selectmen earlier this week, which I had forwarded to you.

Available evening dates for our neighborhood as of now are:

Tuesday, March 6
Thursday, March 8
Friday, March 9

In the interest of time, I have offered to host this meeting for our group. Please check your calendars and let me know your preferred date(s) for this important meeting. Please accept my apologies for the short notice. I will do my best to honor your preferences, but please understand that other neighborhoods are also working with the same set of dates.

Also, a note about the Planning Board and Selectmen meetings earlier this week. There was lively discussion at each meeting, and some of you were able to attend and express your views. And, may I please take this opportunity to thank **all of you** for your continued participation in this process. You have been champs, and the support has really helped.

I took minutes at each of these meetings but confess that attempts to capture the critical points have proven to be so far overwhelming. However, each of these two meetings were recorded and are available through the Media Center on our town website, and I urge you to take the time to watch each of them. The Board of Selectman meeting was especially revealing/shocking and will no doubt cause you to redouble your efforts to stay engaged in the remainder of the process.

Additionally, the Stop the Mini-City Team has sent out the following message to its mailing list, and I have been given permission to share it with you. It will help you to understand a bit more about the meetings of this week.

Dear Neighbors,

Thank you for your ongoing interest and involvement in the 40B development proposal at 133 Boston Post Road. Because of your efforts and those of the Planning Board, the current recommendations are far better than the development amendment we started out with. We truly appreciate all the time that you have put into going to meetings, hosting meetings, writing emails and letters, and speaking with friends and neighbors. Alas, **OUR WORK IS NOT DONE.** Last night the Planning Board presented their draft recommendations to the selectmen as "a status update on work in progress." They believe this update will serve as the basis for working towards a development agreement. The selectmen appear anxious to have this development agreement come up for a vote at the May Town Meeting. **We need to remain involved** in this process and **pay close attention to every detail of the recommendations and development agreement.** We need you at the meetings. Here are a few notable issues that were brought up that we believe are important.

1. In the Planning Board's status report, they identify that there are uncertainties that their recommendations can't address at this time. In fact, the uncertainties mentioned could vary the nature of the proposal so much that it is hard to reasonably determine whether one can support a plan or agreement until those unknowns are known.

"Uncertainties:

1. *Waltham approval of Jones Road access.*
2. *Identification of senior housing co-developer.*
3. *State certification of dedicated or a mix of senior housing in the SHI."*

(Note: These uncertainties are taken directly from Planning Board proposal.)

Will Jones Road access be approved? If it isn't approved, given that Church Street is definitely off the table, what will happen? Will they cancel the project? Based on recent discussions, it seems we may not know if Waltham will approve the access prior to Town Meeting. Could a contingency plan be written into the development agreement? **If, instead of dedicated senior housing, the development ends up being a mix of senior and family housing,** it will certainly result in a considerably larger development

(family units are larger in size) with more impacts. We were also told a mix of housing types would require at least two buildings instead of one. We still do not know what the final number of units will be (it seems to vary from discussion to discussion). It is important that residents voice what they would accept.

What if they don't secure a senior housing co-developer prior to Town

Meeting? Could the plan for senior housing be replaced with something else? Will this arrangement be made public prior to Town Meeting? Will language in the development agreement address this?

2. The development still has sizable office space and parking components paired with it. The only office space size used in the financial analysis was 125,000 square feet. Clearly, **no one but Boston Properties wants ANY office space** in this proposal. Since it remains in the current proposal, we should consider what we might do to address it moving forward? If the town could subsidize one of the largest infrastructure expenses on the site, the Jones Road access (~\$10,000,000), **could the office space be eliminated or decreased? Will there be time to look into it? This idea was brought up at the BOS meeting and hopefully will be explored further.** We were told at the Monday evening meeting by the Planning Board that the current parking areas at Boston Properties are under-utilized and they discussed special permits to reduce office building parking. Can you think of other ways to **mitigate traffic impacts?** Could there be increased use of Biogen's shuttle system on the property in lieu of parking?

3. Although the intermodal train station is **"off the table"** for this development agreement, please note there is nothing precluding it from happening in the future. There is really nothing more that was said or that we can say about this at this time.

4. IF this development agreement does go through at town meeting, what protections will we have against future development? As one person said as we were leaving the meeting last night, "Developers always keep developing. There are always more add-on proposals and projects." Another person said, "This may be the first step towards endless development in Weston." Will the town protect the North-East area of town from even more development? **What language is necessary in a development agreement to prevent future development at 133 BPR?** Could the next 40B development also end up on the North side of town? **Do you have suggestions to prevent this from happening that you can share with the Planning Board or Selectmen?**

5. At the meetings this week, many people asked how the rest of Weston's 40B housing shortfall will be addressed. **Many people expressed wanting the town to have an overall 40B plan prior to pursuing this project. Can the town secure land along the MASS PIKE where the tolls were and use it for a smaller 40B development?** In conclusion, we have made a lot of progress since last spring. That being said, we must stay engaged in the meetings with the Planning Board, BOS and BP or we will forego our ability to impact the final outcome of this very long and involved process. Based on last night's meeting, the Board of Selectmen **will push to get something on the May 2018 Town Meeting warrant** and the Selectmen will mount a campaign throughout town to support whatever that development is. The anticipated schedule between now and Town Meeting is outlined below.

"Anticipated Next Steps (Speculative Approximate Dates):"

1. *First Draft Recommendations to Selectmen February 27*

2. *Planning Board joint developer/community meetings and discussions March 1 - March 12.*
3. *Draft Development Agreement modification March 13.*
4. *Final Planning Board recommendations to Selectmen March 27.*
5. *Warrant closing April 3.*
6. *Development Agreement modification refinement April 1 - April 20.*
7. *Final Agreement Language May 1.*
8. *Town Meeting May 7.*
9. *Comprehensive Permit Hearing June 20."*

We hope you will continue to attend the meetings and challenge/contribute to the development agreement proposal as it evolves. Please continue to share your thoughts and ideas with us.

Thank you again for your ongoing involvement.

Sincerely,

The Stop Mini-City Team

Gaumond, Leon

From: VanderClock, Donna <VanderClock.D@westonmass.org>
Sent: Monday, February 26, 2018 8:53 AM
To: Gillespie, Doug; Houston, Christopher; Boshart, Harvey
Cc: Yanakakis, Lisa
Subject: FW: Planning Board Draft Report for 133 Boston Post Road (aka Biogen Project)
Attachments: Development+Outline+Progress+Report+R3+Imai+Edits++02'22'18.doc

I don't know about any of you, but this is the first I'm seeing this.

Donna S. VanderClock
 Town Manager
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 781-786-5029 (fax)
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Please be aware that the Secretary of State's office has determined that most emails are public records and, therefore, may not be confidential.

From: Fleming, Kara
Sent: Monday, February 26, 2018 8:48 AM
To: VanderClock, Donna
Subject: FW: Planning Board Draft Report for 133 Boston Post Road (aka Biogen Project)

I'm assuming you saw this. Terry shared with her list. Alicia Primer also posted some info on the FB page, with a negative tone towards traffic impacts.

Kara M. Fleming
 Assistant to Town Manager / Public Information Officer
 Office of Town Manager & Board of Selectmen
 Town of Weston
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 11 Town House Road
 Weston, MA 02493
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www.weston.org - sign up for email or text Town news
[Facebook: Town of Weston, MA](#)
[Twitter: @Town_of_Weston](#)

Please be aware that the Secretary of State's office has determined that most emails are public records and, therefore, may not be confidential.

From: tbeastman@aol.com [<mailto:tbeastman@aol.com>]
Sent: Friday, February 23, 2018 2:35 PM
To: tbeastman@aol.com
Subject: Planning Board Draft Report for 133 Boston Post Road (aka Biogen Project)

Dear Friends,

For your convenience, I am attaching the Draft Recommendations for the proposed project at 133 Boston Post Road (aka Biogen Project) as developed by the Planning Board. This draft report will be reviewed and discussed by the Planning Board at their **Special Meeting at 5:30 p.m. on Monday, February 26, Town Hall.**

The finalized report will be submitted to the Board of Selectmen on Tuesday, February 27 and reviewed at the evening meeting at 7:00 p.m. on that day.

The public is invited to both meetings and feedback will be appreciated.

Best regards,

Terry Eastman

Gaumond, Leon

From: Gillespie, Doug <Gillespie.d@westonmass.org>
Sent: Friday, February 16, 2018 11:25 AM
To: Thalia Price; Elizabeth Valenta
Cc: chiefy jones; Sarah Like Rhatigan; Shirley Dolins; susanhabergmail; Kenneth A. Newberg(knewberg@gmail.com); Michael Price
Subject: RE: Dec. 16, 2017 Minutes
Attachments: WAHT Minutes 2-16-18.docx

Minutes from Today's WAHT Meeting

From: Thalia Price <naturalbuz@gmail.com>
Sent: Thursday, February 15, 2018 7:11 PM
To: Elizabeth Valenta
Cc: chiefy jones; Sarah Like Rhatigan; Shirley Dolins; Gillespie, Doug; susan habergmail; Kenneth A. Newberg (knewberg@gmail.com); Michael Price
Subject: Re: Dec. 16, 2017 Minutes

Hi Liz,

Are you brining copies of the minutes I sent you from two meetings ago? Thanks- Buzzy

Thalia Price
NaturalBuz@gmail.com
781.856.9603

On Feb 15, 2018, at 6:36 PM, Elizabeth Valenta <evalenta@rhsousing.org> wrote:

Hello -

Attached are a few additional minutes for review.

I also attached the Action Plan that was drafted last year for discussion at tomorrow's meeting.

Look forward to seeing many of you tomorrow.

Liz

On Thu, Feb 15, 2018 at 4:32 PM, Hugh Jones <chiefyjones@gmail.com> wrote:

Hi All,

Attached are Minutes that I have finally prepared for our HT's joint meeting with the Wayland Municipal Affordable Housing Trust last December.

Liz, I believe that with these Minutes, together with my Minutes for November 15, 2017 that I distributed at a recent meeting, and the Minutes that I distributed this morning for October 18, I have now prepared and distributed all of the HT Minutes for which I am responsible.

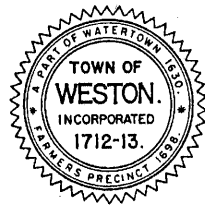
Hugh

--

Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSoHousing.org

Office Phone: 978-287-1090

<WESTON AFFORDABLE HOUSING TRUST_draft Jan2017.docx><HTminutes 27june17 draft v2.docx><HTminutes 30May17 draft.docx>



TOWN OF WESTON

PLANNING BOARD
P.O. BOX 378
WESTON, MA 02493

TEL: 781-786-5065
FAX: 781-786-5069

MEMORANDUM

DATE: February 26, 2018
TO: Board of Selectmen
FROM: Planning Board
RE: Progress Report: Outline of Potential Expansion at 133 Boston Post Road

This memorandum represents the Planning Board's current status in its effort to develop a framework for achieving an expansion program at 133 Boston Post Road acceptable to both Boston Properties and the Weston community. It is the result of well over 30 meetings with Boston Properties and the community since May, as well as significant input and analysis from engineering and financial consultants.

A. The Board has identified the following factors influencing the potential development program:

Community Goals and Preferences:

1. Significantly reduced affordable housing (SHI) deficit and safe harbor protection.
2. Affordable housing consistent with Housing Production Plan (HPP) objectives.
3. Minimal impacts on viewscales and no impact on ecology related to the pond.
4. Minimal impacts on town open space and recreation amenities.
5. Minimal traffic increases and associated impact mitigation measures.
6. Minimal impact on schools and town services.
7. Limited overall project size.
8. Acceptable site access.
9. Airtight guarantee of no further expansion.
10. Intermodal facility off the table.
11. Predictable demographic impacts.
12. Reasonable financial returns.
13. Minimal uncertainty regarding current and future development limitations.

Boston Properties Goals and Preferences:

1. Additional office space consistent with market demands.
2. Reduced office facility parking requirements.
3. Financial returns that meet corporate standards.
4. Combined scale to cover new infrastructure costs.
5. Address requirements of existing tenant that controls site.
6. Residential scale, type, and quality consistent with corporate portfolio goals.
7. Minimal uncertainty -- reduced risk.

Uncertainties:

1. Waltham approval of Jones Road access.
2. Identification of senior housing co-developer.
3. State certification of dedicated or a mix of senior housing in the SHI.

B. The Board hopes that successful amalgamation of these goals and preferences will result in a mutually-agreeable development vision. The outline below seeks to achieve an outcome beneficial to both Boston Properties and the community. The Board believes that it addresses the issues enumerated above and is conceptually viable from land-planning and financial perspectives, but also recognizes that this is not a final resolution. While informally discussed generally, neither Boston Properties nor the community has reviewed or endorsed it as yet. Either or both could ultimately reject it, but the Board anticipates that it will form the basis for further discussion at joint meetings with Boston Properties and the community in the coming weeks. The Board welcomes any constructive proposal for refining this framework and reaching mutual agreement, and it earnestly hopes that such an agreement will be forthcoming.

Potential Development Program Outline:

1. Approximately 200 units of senior (retirement) housing, or fewer units if mixed families and seniors.
2. If mixed, senior housing to comprise a significant majority of the units.
3. Rental development with all units certified in the SHI.
4. Housing located between the north quarry and rail line, and not visible from conservation or nearby residential land. No construction on the slag heap or near the pond.
5. Preferred housing vehicle access via Jones Road, but under no circumstances via Church Street.
6. Housing construction begins first and meets all 40B scheduling requirements for SHI credit on Weston HPP.
7. Establish office expansion target, to be refined in Special Permit review, but not greater than 150,000 SF.
8. Office expansion limited to the area north of the existing office building, not visible from conservation or nearby residential land. No impact on the pond ecology.
9. Office vehicle access via Route 20.
10. Office-related parking requirements reduced from town standard.
11. Project-related traffic increase does not require major offsite improvements.
12. Maximum limit for total new construction, perhaps equaling the existing office building area, excluding parking and waste management facilities.
13. Deferred consideration of intermodal facility.
14. Further office, commercial and residential expansion prohibited, without town meeting approval.
15. Escrow fund to address unforeseen offsite impacts.
16. Shared management and maintenance of conservation land and rail trail assets if mixed housing.
17. Office building and tenants implement best practices in reducing commuter traffic and employee trips.

C. The Board anticipates that its process will continue generally according to the following timeline:

Anticipated Next Steps (Speculative Approximate Dates):

1. First Draft Recommendations to Selectmen February 27
2. Planning Board joint developer/community meetings and discussions March 1 - March 12.
3. Draft Development Agreement modification March 13.
4. Final Planning Board recommendations to Selectmen March 27.
5. Warrant closing April 3.
6. Development Agreement modification refinement April 1 - April 20.
7. Final Agreement Language May 1.
8. Town Meeting May 7.
9. Comprehensive Permit Hearing June 20.

WESTON AFFORDABLE HOUSING TRUST

Minutes of February 16, 2018 Meeting

Housing Trust members present: Sarah Rhatigan, Buzzy Price, Doug Gillespie, Tom Timko, Hugh Jones, Michael Price, Ken Newburg and Susan Haber. Staff: Liz Valenta, RHSO.
Others: Leslie Glynn, Jim Polando.

Meeting was called to order at 7:35 AM.

No public comment.

Voted to approve draft minutes of May 30, 2017, June 27, 2017, November 1, 2017, November 15, 2017, December 6, 2017, January 3, 2018, and January 24, 2018 meetings.

The Trust briefly discussed the previous night's Planning Board meeting discussing a senior, transit-oriented development bylaw for the Merriam Street-Hallet Hill area near the Silver Hill transit station. It was decided to defer taking a position until HT members had read the proposed bylaw.

HT members reviewed the 0 Wellesley Street proposal (located West of Wellesley Street at junction with Boston Post Road By-Pass) in preparation for meeting with Selectmen on Feb. 27 to request a Town Meeting warrant article to transfer control of that parcel to HT. Site map and possible 4 unit proposal was discussed.

The Trust received updates of the Boston Properties proposed 40B at 133 Boston Post Road, the final phase of the Warren Avenue project, the recently concluded study at Brook School, and WAHFI plans for Birch Lane.

Next meeting was set for Monday, March 5 at 7:30 AM at Town Hall, and the meeting was adjourned at 9:10 AM.

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Thursday, February 15, 2018 6:37 PM
To: Hugh Jones
Cc: Sarah Like Rhatigan; Shirley Dolins; Gillespie, Doug; susan habergmail; Kenneth A. Newberg(knewberg@gmail.com); Thalia Price; Michael Price
Subject: Re: Dec. 16, 2017 Minutes
Attachments: WESTON AFFORDABLE HOUSING TRUST_draft Jan2017.docx; HTminutes 27june17 draft v2.docx; HTminutes 30May17 draft.docx

Hello -

Attached are a few additional minutes for review.

I also attached the Action Plan that was drafted last year for discussion at tomorrow's meeting.

Look forward to seeing many of you tomorrow.

Liz

On Thu, Feb 15, 2018 at 4:32 PM, Hugh Jones <chiefyjones@gmail.com> wrote:
Hi All,

Attached are Minutes that I have finally prepared for our HT's joint meeting with the Wayland Municipal Affordable Housing Trust last December.

Liz, I believe that with these Minutes, together with my Minutes for November 15, 2017 that I distributed at a recent meeting, and the Minutes that I distributed this morning for October 18, I have now prepared and distributed all of the HT Minutes for which I am responsible.

Hugh

--
Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1090

Gaumond, Leon

From: Hugh Jones <chiefyjones@gmail.com>
Sent: Thursday, February 15, 2018 12:19 PM
To: Elizabeth Valenta
Cc: Sarah Like Rhatigan; Shirley Dolins; Gillespie, Doug; susan habergmail; Kenneth A. Newberg(knewberg@gmail.com); Thalia Price; Michael Price
Subject: Minutes for Oct. 18, 2017 HT Meeting
Attachments: WESTON HOUSING TRUST.docx

Hello All,

Attached for your review and comments are Minutes that I have at last prepared to reflect Ken's and my notes from our meeting last October (!)

Hugh

WESTON AFFORDABLE HOUSING TRUST

Minutes for October 18, 2017 Meeting

Pursuant to notice, a meeting of the Weston Housing Affordable Trust was held at the Weston Town Hall on Thursday, October 18th, 2017 beginning at approximately 7:50 a.m.

Present were Susan Haber, Hugh Jones, Ken Newberg, Michael Price, Sarah Rhatigan (chair), Tom Timko, and Liz Valenta (staff member, from the Regional Services Housing Organization).

1. There was no public comment.
2. No action was taken with respect to minutes for past meetings.
3. Miscellaneous

With reference to the Warren Avenue project, there was discussion of Sarah's preparation of slides requesting additional Town funding for presentation at the November 28 Town Meeting, and the possibility of requesting public expression of support for such funding from the Weston Historic Commission.

Ken reported that the Danforth property at 500 Wellesley Street was now off the immediate agenda because of the recent discovery of toxins in the soil and the need to conduct further tests. It was suggested that the HT work with the Historic Commission and the Conservation Commission in an effort to coordinate thinking and possible planning for that property

Hugh had to leave the meeting at 8:40 a.m., after which Ken kept the minutes.

4. Warren Avenue
 - a. Application for CPC funding

It was agreed that Sara would present an HT request for CPC funding to finish the two additional units and complete other work at Warren Avenue at the CPC's next public meeting on October 23. As the HT's representative on the CPC, Ken reported that the CPC would be generally supportive after Sarah explained the cost overruns caused by excessive snow and substantial legal disagreements with the contractor. Ken expressed his view that the project would not be controversial within the CPC.

- b. Occupancy Policy.

It was reported that a Warren Avenue tenant had requested permission for a roommate, and the HT discussed the Warren Avenue occupancy policy, noting the complications that would

result from permitting long-term visitors, with the possible impact on a tenant's income, eligibility for affordable housing and rental charges. It was also observed that long-term overnight guests might even acquire tenant rights under Massachusetts law. After discussion, the HT determined that allowing tenants to receive payments from another individual for living in housing subsidized by the Town would be contrary to the HT's mission, and that roommates (defined as on-related, rent-paying individuals) should not be permitted in Warren Avenue apartments.

The HT then discussed some pending policy matters involving conflicting provisions between various legal documents, particularly with respect to the characterization of particular 3-bedroom units as being "LIP" or "CPC" units, AMI eligibility requirements for units as a matter of law, and practical ramifications. Given the complexity of various options, Tom suggested that Liz, as the HT's RHSO housing consultant, develop options for consideration at a future meeting.

Sarah suggested that Liz or the HT consult with Town Counsel in reviewing or drafting HT LIP applications and affirmative marketing plans to avoid technical or practical problems.

5. 40B Project Updates

a. Boston Properties, 133 Boston Post Road

Although there was no formal update on the status of this project, some of the HT members discussed informal communications regarding the possibility that the project was making progress with neighbors and the Planning Board, but would probably not be ready for consideration at the Town's November Town Meeting.

b. 104 Boston Post Road

It was reported that the ZBA was deliberating about this project and might render a decision soon.

6. Applications for HT Home Repair Grants

Ken suggested that the HT discuss means to assure fairness in the treatment of applications for grants from the HT's Home-Ownership Opportunity Fund. It was agreed removing the names of applicants and limiting information to the location of the property and the number and ages of family occupants would be a good way to avoid the appearance of bias or favoritism in the HT's responses to applications. HT members were reminded to recuse themselves from considering application that they could not review fairly, but no HT member expressed any concern about their ability to assess each application objectively and fairly on its merits, given the policy parameters that were being developed by the HT for the Affordable Home-Ownership Opportunity Fund.

Liz distributed 6 applications, five of which satisfied the preliminary requirement that applications be limited to deed-restricted properties. It was agreed that HT members would review the applications at home before in-depth consideration at the next meeting.

7. Before a adjournment, it was agreed that the next HT meeting would be held at 7:00 p.m. on November 1st.

Respectfully submitted.

Hugh Jones and Ken Newberg

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rshousing.org>
Sent: Thursday, February 15, 2018 9:03 AM
To: Tom Timko; susan habergmail; James Polando; Buzzy Price; Leslie Glynn; Shirley Dolins; Sarah Rhatigan; Michael Price; Kenneth A. Newberg; Hugh Jones; Gerri Scoll; Doug Gillespie
Subject: Re: HT meeting scheduled for Friday - February 16th at 7:30 A.M.
Attachments: 2017 HT annual report 15Feb2018 final.docx; 0 WellesleyProject Parameters draft 12Feb18.docx; ARTICLE xx _ Transfer 0 Wellesley _ 12Feb18 draft.docx; HTagenda 16Feb18.docx

Hello Trustees -

In preparation for tomorrow's meeting please find the following:

- Agenda
- 0 Wellesley - draft warrant and development guidelines - Note that the Selectman have the Trust on the
- Final Annual Report

I hope to send out meeting minutes later today. If you could all look at your calendars to confirm meetings you attended in 2017 that can be used to confirm those present for the minutes.

Thank you,
Liz

On Fri, Feb 9, 2018 at 5:22 PM, Elizabeth Valenta <evalenta@rshousing.org> wrote:

Hello Trustees –

The next Housing Trust meeting has been scheduled for Friday - February 16th at 7:30 a.m.

Please let me know if you are unable to attend. Agenda to follow.

I also wanted to let you know that the Planning Board has two upcoming meetings you may be interested in attending:

- Wednesday February 14th @ 7:30 P.M. - Informational Session Transit Oriented Senior Development Overlay District– Proposed Zoning Bylaw Amendment and Rezone 255 Merriam and 11 Hallet Hill - http://weston.org/AgendaCenter/ViewFile/Agenda/_02142018-4122
- Monday February 26, 2018 @ 7:30pm - Public Hearing regarding Boston Properties - http://weston.org/AgendaCenter/ViewFile/Agenda/_02262018-4125

Have a nice weekend.

Liz

--

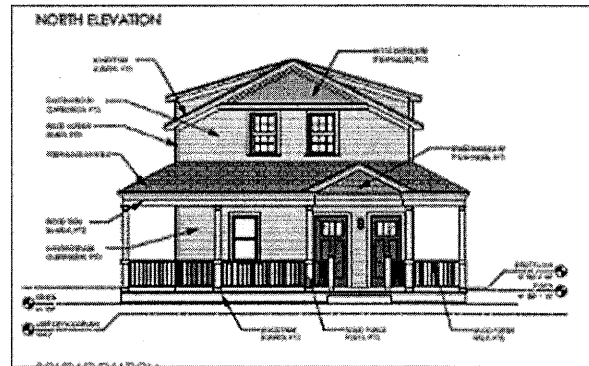
Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSOhousing.org

Office Phone: [978-287-1090](tel:978-287-1090)

REPORT OF THE AFFORDABLE HOUSING TRUST

In 2017, the Weston Affordable Housing Trust continued to work to fulfill its purpose and meet its responsibilities to preserve and increase moderate and low-income housing in Weston and work toward implementing the Town's Housing Production Plan. The Trust continued to be active stewards of the Warren Avenue project providing long-term planning and oversight for the property, closing out Phase I of the project and securing funding for Phase II. The Trust provided review of many housing related items including 40B project review, creation of Affordable Housing Evaluation Criteria for the Community Preservation Committee, and review of the Open Space and Recreation Plan. Finally, the Trust initiated two new programs in 2017; the Home Ownership Opportunity Fund and the Home Repair Grant.

Five Warren Avenue units were completed under the direction of Weston's Permanent Building Committee. The five units are occupied by income eligible households and Brook School management provides property management services. Phase II of the Warren Avenue project has moved forward with construction completion and occupancy anticipated in 2018. The project received additional Community Preservation Act funds in order to complete the renovation of the duplex at nos. 66-68 Warren Avenue which will add two additional units for a total of seven affordable apartments. The project was developed pursuant to a Comprehensive Permit issued on December 26, 2014 by the Town's Zoning Board of Appeals under the State's Chapter 40B, Local Initiative Program.



The Trust has also been involved in the effort to implement Weston's Housing Production Plan. The Plan outlines several goals and strategies to be employed in the effort to meet annual housing production goals and to generally work toward meeting the range of local housing needs. In an effort to increase affordable housing in Weston, the Trust created the Homeowner Opportunity Fund program, which was funded by Community Preservation Act Funds in the spring of 2017. Since the approval of the funds, the Trust has worked on developing site criteria and evaluating properties as opportunities arise. The Trust will continue this work in 2018 and anticipates the program will lead to the development of 2-4 units for affordable homeownership.

The Housing Trust is charged with reviewing affordable housing projects being proposed under Chapter 40B of the Massachusetts General Laws. The following projects were reviewed by the Housing Trust in 2017:

Boston Properties: 133 Boston Post Road

Initially presented in 2016, Boston Properties presented plans for a 350 unit rental development with 25 percent of the units to be affordable to household below 80 percent of the area median income. The joint committee voted to conditionally support the project, which will provide housing in accordance with the needs identified in the Housing Production Plan. In 2017 the Trust continued to follow the project and provided feedback to the Planning Board as they negotiate a revised project with Boston Properties.

104 Stony Brook LLC: 104 Boston Post Road

Originally presented in 2016, Berardi Properties and Layline Ventures LLC presented plans for a 154 unit rental development with 25 percent of the units to be affordable to household below 80 percent of the area median income. The committee voted to conditionally support the project, which will provide housing in accordance with the needs identified in the Housing Production Plan. The Trust submitted a

letter January 13, 2017 which supported the project, and urged the Town to continue to work with developer to modify the project in order to address community concerns. However, the project was denied a comprehensive permit and the decision is being appealed to the State.

The Weston Affordable Housing Trust piloted a Home Repair Grant for income eligible homeowners of deed-restricted properties in Weston. The small grant provides financial assistance of up to \$5,000 per household, to complete necessary health and safety repairs. The first round of funding was awarded in the fall of 2017 and will assist three homeowners.

2017 Affordable Housing Trust Members :

Sarah Like Rhatigan, Co-chair	2018	Douglas P. Gillespie	2018
Hugh Jones, Co-chair	2018	Kenneth Newberg	2019
Susananne Haber	2018	<i>Community Preservation Committee liaison</i>	
Michael J. Price	2019	Thomas Timko	2019
		<i>Elderly Housing Committee liaison</i>	

Non-Voting Members:

Shirley Dolins	2018	Geraldine Scoll	2018
Thalia Price	2018		

ARTICLE xx: TRANSFER AND AUTHORIZE CONVEYANCE OF 0 WELLESLEY STREET PARCEL

To transfer the care, custody, management and control of the land shown as Lot 104 on Assessors' Map 28 (0 Wellesley Street) described in the deed dated _____ and recorded with the _____ ANNUAL TOWN MEETING 17 Middlesex South Registry of Deeds as Book _____, Page _____, from the Board of Selectmen for municipal MDL purposes, to the Board of Selectmen for the purpose of conveyance for affordable housing purposes, which may be to the Affordable Housing Trust or to another entity, and to authorize the Board of Selectmen, on such terms and conditions as it may determine, to convey all or any portion or any interest in said land for such purposes, or take any other action relative thereto.

Article 30 Explanation: The subsequent article authorizes the transfer of municipal land to the Weston Affordable Housing Trust in order to facilitate the development of the parcel for affordable housing. The Affordable Housing Trust intends to develop approximately four affordable housing units on this parcel. The land and buildings are no longer needed for Town purposes; therefore, it is recommended that the parcel be conveyed for affordable housing purposes. A two-thirds majority vote is required for approval of this vote.

The Finance Committee unanimously takes no position on this Article.

WESTON AFFORDABLE HOUSING TRUST

February 12, 2018

DEVELOPMENT PARAMETERS AND GUIDELINES for O WELLESLEY STREET

1. Conform to the following Town Zoning By-Laws and Regulations:
 - Zoning set-backs from property lines
 - Wetland and other conservation commission rules and set-backs
 - Weston septic system guidelines/allow 225 SF/Bedroom for SAS
 - Weston storm and sanitary by-laws.
2. Site Development to adhere to the following guidelines:
 - Maintain existing vegetation where possible
 - Provide set-back visual screening consistent with the neighbor hood
 - Single curb cut
 - No more than 4 houses/units per buildable acre
3. Building guidelines:
 - Use contextual scale and design consistent with neighborhood
 - All units to be affordable
 - At least 1 MAAB unit (handicapped accessible)
 - Basement storage areas preferred, or sheds
 - Carports for 1 car per unit, as garages are not required
 - 2 parking spaces per unit (1 within carport)
 - Minimum unit sizes:
 - 3 bedroom: 1,400 GSF
 - 2 bedroom: 1,200 GSF
 - 1 bedroom: 1,000 GSF

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**TOWN OF WESTON
WESTON AFFORDABLE HOUSING TRUST (HT)**

AGENDA

**FRIDAY
FEBRUARY 16, 2018 – 7:30 A.M.**

WESTON TOWN HALL

COMMITTEE BUSINESS

7:30 a.m. – 7:40 a.m.

1. Public comment

7:40 a.m. – 8:00 a.m.

2. Approve Meeting Minutes

8:00 a.m. – 8:30 a.m.

3. 0 Wellesley Street - discuss request to transfer municipal property to the Trust

8:30 a.m. – 9:00 a.m.

4. Open discussion of Housing Trust priorities—Short-term and Long-term
5. Education and outreach efforts

9:00 a.m. – 9:15 a.m.

6. HT Affordable Home-Ownership Opportunity Fund

9:15 a.m. – 9:30 a.m.

7. Other affordable housing updates
 - a. Boston Properties – 133 Boston Post Road – ZBA 6/20/18

Gaumond, Leon

From: VanderClock, Donna <VanderClock.D@westonmass.org>
Sent: Tuesday, February 13, 2018 6:17 PM
To: Gillespie, Doug; Houston, Christopher; Boshart, Harvey
Cc: Yanakakis, Lisa
Subject: FW: PB Colleagues

FYI

Donna S. VanderClock
 Town Manager
 Town of Weston
 P.O. Box 378
 Weston, MA 02493
 781-786-5020
 781-786-5029 (fax)
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[Facebook: Town of Weston, MA](#)
[Twitter: @Town of Weston](#)

Please be aware that the Secretary of State's office has determined that most emails are public records and, therefore, may not be confidential.

From: anthony.flynn@globalforcedirect.com [mailto:anthony.flynn@globalforcedirect.com] **On Behalf Of** Anthony Flynn
Sent: Tuesday, February 13, 2018 5:41 PM
To: alaarch@earthlink.net; Aiu, Imaikalani; Oppenheimer Steve; Susan Zacharias; Roy Chatalbash
Cc: VanderClock, Donna
Subject: PB Colleagues

PB Colleagues,

I wanted to clarify why I am being extremely careful not only to recuse myself from any PB meetings related to the 40B development at 255 Merriam/11 Hallett but also to remove myself from all related PB/Town meetings, discussions, and communications.

Without getting into a long narrative, I will just list top bullets – all of the below relate to activities done as a Weston resident, not as a Town Official:

- I am the manager of SHG LLC, which owns the abutting property at 261 Merriam.
- SHG is appealing the ZBA decision to grant a comprehensive permit to SEB for a 10-unit development.
- Therefore, I am suing SEB, the Town (ZBA), and the property owners of 255 Merriam.
- I have registered a formal complaint against William Curley (the MassHousing appointed appraiser for the project) with the MA Board of Appraiser Licensing.
- I have led an investigation of MassHousing appraisals performed during the period of 1H15.
- I have filed concerns of fraud by MassHousing, DHCD, and DHEC to several contacts at MassHousing, DHCD, DHEC, the Governors Office, and the Office of the Inspector General.
- I am considering filing ethics complaints against individuals at MassHousing, DHCD, and DCED.
- I have consulted with several residents of other Towns regarding suspicious 40B appraisals.
-
- I have consulted with MA ethics attorneys on conflict-of-interest on these matters and decided that the above overly-cautious approach is best.

- Violations of conflict-of-interest are punishable by \$500 per instance and the fines are not covered by Town insurance.

Thanks and feel free to share any concerns.

Best, Tony

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Gaumond, Leon

From: Harvey Boshart <hrboshart@gmail.com>
Sent: Tuesday, February 13, 2018 9:13 AM
To: VanderClock, Donna
Cc: Gillespie, Doug; Houston, Christopher; Boshart, Harvey; Yanakakis, Lisa
Subject: Re: FW: Important Planning Board Information and Scheduled Meetings

Anyone else see the irony of opposing 133 BPR in its attempt to solve the 40b issue and opposing a stalled 40b project that could open the door for more 40b projects?

On Feb 13, 2018 9:04 AM, "VanderClock, Donna" <VanderClock.D@westonmass.org> wrote:

I think we can expect a crowd on 2/27.

Donna S. VanderClock

Town Manager

Town of Weston

P.O. Box 378

Weston, MA 02493

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From: Fleming, Kara
Sent: Tuesday, February 13, 2018 8:50 AM
To: VanderClock, Donna
Subject: FW: Important Planning Board Information and Scheduled Meetings

This is what Terry sent out to her list

Kara M. Fleming

Assistant to Town Manager / Public Information Officer

Office of Town Manager & Board of Selectmen

Town of Weston

P.O. Box 378

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From: tbeastman@aol.com [<mailto:tbeastman@aol.com>]

Sent: Monday, February 12, 2018 7:02 PM

To: tbeastman@aol.com

Subject: Important Planning Board Information and Scheduled Meetings

Dear Friends,

Yesterday, I received an update about current Planning Board news that will be of interest to you. I sincerely regret the length of the message but hope that its content will assuage any feelings of impatience.

First, the Biogen Project is still under consideration in a revised format. Following research into resident opinion in neighboring areas of Weston, the Planning Board concluded that the project will work for the town **only** if all, or the vast majority, of units are dedicated to **senior housing**. Additionally, Jones Road would be the **only** access point, and the office building would be significantly reduced in size. They acknowledge that

the net overall effect to the town needs to be zero in terms of traffic, schools, and other considerations, or the project will not work. With these parameters firmly in mind, the PB has continued to work with Boston Properties, and BP has been pursuing options for the senior housing component and has been open to discussions of a smaller office building.

As part of the ongoing research, an independent real estate professional and an independent engineer were hired to analyze the original financial report that had been issued by Boston Properties. Those studies have been completed, and the report is due to be received by the PB by mid-week. It will be reviewed in depth within the next two weeks, as PB members write their draft proposal for the Board of Selectmen, due on February 27.

On February 26 at 7:30 p.m., the PB will meet to present and discuss their draft proposal to the BOS on the Biogen Project. They are hoping that residents will attend this meeting and weigh in on the draft proposal, citing specifics if opinions differ from that reached by the PB. **The draft will then be finalized and submitted on the following day of February 27, and it will be discussed by the Selectmen at their 7:00 p.m. on that very evening.** Both the PB meeting on 2/26 and also the BOS meeting on 2/27 will be open to the public and resident attendance encouraged.

Additionally, another critical Planning Board matter has surfaced, and it regards the Merriam Street 40B housing project that is currently under litigation. The developer has come back to the town with another suggested solution, which would essentially reduce the number of houses to be built on 3 Acres from 8 to 6, with the two (2) 40B houses being those to be eliminated. An "overlay district" would need to be created within a certain radial distance of the Silver Hill train station in order to accomplish this feat, and a new amendment adopted to make it possible. The end result of this change would set a precedence that could easily result in potential future development of a much denser variety than is currently allowed in our town, and it would certainly alter the look and feel of Weston as we know it.

Furthermore, this development would add 6 houses to our total housing units without any positive gain of 40B credits, and our own Planner has further calculated that future effects could include an additional 20+ houses being developed in the Silver Hill area as a result of this "overlay district" being developed. In all respects, in my opinion, this change would disadvantage our town.

On Wednesday, February 14, at 7:30 p.m., the Planning Board will meet to hear a presentation by the developer on this matter in question. They will not vote to decide the matter, but rather, will only listen to the presentation, and hopefully, to some feedback from residents. They appreciate the conflict with Valentine's Day but are hoping that some of us might be able to come. **Whether on 2/14 or at another time, the Planning Board really want to hear our thoughts on this proposed change in our zoning and have asked me to encourage you to engage in this important matter.** They have also asked me to let you know that this will not be your only opportunity to voice your thoughts.

Within the past year, as I have come to know the opinions of many of you who also love the look and feel of rural Weston,

I firmly believe that this is not a change that any of us would want to see in our town. However, whatever your thoughts and feelings on the subject, I encourage you to engage and make your voices heard.

I plan to attend the Planning Board meetings on Wednesday, February 14 and also on Monday, February 26. In addition, I hope to attend the Board of Selectman meeting on February 27. I will hope to see some of you at one, or all, of these events.

And finally, don't forget our Annual Town Caucus on March 5, especially if you are of a mind to run for a town office or throw your hat into the ring for a volunteer post. As always, feel free to reach out with questions.

Cheers!

Terry

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Cheers!

Terry

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Wednesday, December 20, 2017 12:37 PM
To: Doug Gillespie
Cc: Elizabeth Rust
Subject: Fwd: Weston's Affordable Housing Inventory
Attachments: Weston SHI 9.27.pdf; Weston SHI 8-23-17.pdf

Hi Doug -

First let me start by saying that unfortunately this is never a straight forward answer.

There are currently 167 units on the SHI (see attached). Therefore, 229 Units are needed to meet 10%.

However, 18 are likely to become ineligible in the near term., reducing the SHI to 149 Units - then 247 Units would be needed to meet 10%.

Village at Silver Hill and Kendal Village will likely become ineligible due to lapse in time from issuance of Comp Permit to Building Permit. As you probably know, the Building Permit must be issued within a year of the comp permit to remain eligible. Neither project has been issued a building permit. Silver Hill was issued Comp permit 12/2/16; Kendal Village 5/3/17.

That said, the other complicating factor is that there will be an update to the number of Year Round Housing Units (the denominator in the equation) with the Census in 2020 (likely to take effect in 2021). Dan Gaulin and Liz Rust from the RHSO completed analysis of units required based on 2020 Census projections. That is also attached.

You will see on that memo that the Boston Properties was projected as a 345 unit development and also uses the 167 units currently on the SHI and put the town over the 10% requirement with 59 units above the required 10%.

If you reduce the SHI to 149, and the projections for additional housing are correct (and reduced the proposed project size), approximately 300 units of housing must be added to the SHI to meet the 10%. Again this is based on the projected Number of Year Round Housing Units that will be identified for the 2020 Census. The 300 units could be a combination of the Boston Properties Project or any of the other pipeline affordable housing projects listed below:

- 2 Units - Warren Ave - to be completed 2018
- 14 Units - Brook School - estimate Comp Permit 2018/2019 (I emailed Jack Heine and Tom Timko to confirm)
- 2 Units - WAHFI units - estimate Comp Permit 2018/2019
- 2-4 Units WAHT - Homeownership - estimate Comp Permit 2018/2019
- 2 units - Village at Silver Hill moves forward
- 16 units - Kendal Village moves forward

These numbers could be impacted by additional housing constructed between now and the close of the 2020 Census, which may exceed or be less than the projected numbers. Imai or John Field could provide a better estimate for other housing in the pipeline.

Hope that is helpful. Please let me know if I can further clarify.

Happy Holidays!

Liz

On Wed, Dec 20, 2017 at 9:38 AM, Gillespie, Doug <Gillespie.d@westonmass.org> wrote:

Hi Liz:

I'm meeting with Boston Properties on Friday morning to discuss their project. Can you provide me with the updated number of units in our Affordable Housing Inventory? A year ago I think we were at 261, but have added some from 40B projects since then. Also need the likely additional numbers from Brook School, so that I know the minimum number needed from Boston Properties to get us to 10%. Thanks for your help. Happy Holidays!

Doug Gillespie

--
Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSOhousing.org

Office Phone: [978-287-1090](tel:978-287-1090)



Regional Housing Services Office

Serving Acton, Bedford, Burlington, Concord, Lexington, Sudbury and Weston

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info@RHSOhousing.org
www.RHSOhousing.org

September 27, 2017

To: Donna VanderClock

From: Liz Rust and Dan Gaulin

RE: Weston SHI Projections for 2020 and beyond

We are writing with an estimate and projection for Weston's Subsidized Housing Inventory (SHI) for 2020 with the current information available. Note that this is just an estimate as it projects housing development in town, which may vary from the assumptions used.

Weston currently has 4.23% affordable housing on the State's Subsidized Housing Inventory (SHI), with 167 affordable units in the numerator and 3,952 year round housing units in the denominator. Upon the approval of a comprehensive permit of the 345-unit Weston Quarry project, Weston will have 512 affordable units on the SHI or 12.96%. Weston would be surpassing the 10% goal by 116 units. Please note that the affordable units are added 30 days after the permit is issued assuming that there are no appeals. For the affordable units to stay on the SHI, a building permit must be issued within 1 year of the date of the comprehensive permit and certificates of occupancy must be obtained within 18 months (or up to 30 months if the permit allows the project to proceed in 150+ unit phases.)

However, the total number of year round housing units will be increasing upon the release of the 2020 Census. Our estimate of Weston's total number of 2020 year round housing units is 4,527. If this projection is correct, Weston would remain comfortably above 10% at 11.31% with a cushion of 59 affordable housing units. Since affordable units rarely come off the Subsidized Housing Inventory, Weston will most likely remain above 10% until the 2030 Census.

The SHI percentage is calculated as the number of qualifying affordable housing units as the numerator and the total number of housing units as the denominator.

The numerator is adjusted as units are created. Projections for the numerator include:

- 345 units from the Weston Quarry development estimate in CY 2018

The denominator is updated with each decennial census. Projections for the denominator include:

- 112 units provided by the Census as an interim update through 6/30/15
- 44 units provided by the Census online from 7/1/16 to 8/1/17
- Projected growth of 18 units for the balance of CY17 and 25 units annually for remaining years (based on average annual growth from 2010-2017)
- 345 units from Weston Quarry

	9/1/17	Bal of CY17	CY18	CY19	To 4/20
Affordable units (numerator)	167	167	167	512	512
Weston Quarry			345		
Numerator Total	167	167	512	512	512
Total Housing Units (denominator)	3952				
Interim Census report (through 6/30/15)	112				
Actual Growth (from 6/30/15)	44				
Projected Organic Growth		18	25	25	6
Weston Quarry			345		
Denominator Total	4,108	4,126	4,496	4,521	4,527
"Actual SHI% with new units added to denominator	4.07%	4.06%	11.39%	11.32%	11.31%
+/- 10%	-244	-246	62	59	59

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT CH40B SUBSIDIZED HOUSING INVENTORY

Weston

DHCD ID #	Project Name	Address	Type	Total SHI Units	Affordability Expires	Built w/ Comp. Permit?	Subsidizing Agency
3400	Brooks School Apartments	44 School Street	Rental	51	2025*	No	MassHousing
3401	Dickson Meadow	Livermore Lane	Ownership	6	2041	Yes	DHCD
3402	Winter Gardens	154 Winter Street	Ownership	6	Perp	Yes	DHCD
3403	Merriam Village	23 Village Road	Rental	62	perp	No	DHCD
4517	DDS Group Homes	Confidential	Rental	0	N/A	No	DDS
7926	809-811 Boston Post Road	809-811 Boston Post Road	Ownership	2	2054	YES	DHCD
7927	680 South Avenue	680 South Avenue	Ownership	4	2055	YES	DHCD
8988	Church Street	Church Street	Rental	1	perp	YES	DHCD
9013	Jones Road	Jones Road	Rental	1	Perp	NO	DHCD
9221	Highland Meadows	Highland St; Boston Post Rd	Ownership	7	Perp	NO	DHCD
9380	Pine Street	Pine Street	Rental	2	Perp	YES	DHCD
9815	Warren Avenue	Warren Avenue	Rental	5	Perp	YES	DHCD
10029	Viles Street	Viles Street	Rental	2	Perp	NO	DHCD
10145	The Village at Silver Hill	255 Merriam Street; 11 Hallett Hill Road	Ownership	2	Perp	YES	MassHousing
10146	Kendal Village	269 North Avenue	Rental	16	Perp	YES	MassHousing
Weston Totals				167	Census 2010 Year Round Housing Units	3,952	
					Percent Subsidized	4.23%	

8/23/2017

Weston
Page 1 of 1

This data is derived from information provided to the Department of Housing and Community Development (DHCD) by individual communities and is subject to change as new information is obtained and use restrictions expire.

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Gaumond, Leon

From: Gillespie, Doug <Gillespie.d@westonmass.org>
Sent: Wednesday, December 20, 2017 9:38 AM
To: Elizabeth Valenta
Subject: Weston's Affordable Housing Inventory

Hi Liz:

I'm meeting with Boston Properties on Friday morning to discuss their project. Can you provide me with the updated number of units in our Affordable Housing Inventory? A year ago I think we were at 261, but have added some from 40B projects since then. Also need the likely additional numbers from Brook School, so that I know the minimum number needed from Boston Properties to get us to 10%. Thanks for your help. Happy Holidays!
Doug Gillespie

Gaumond, Leon

From: HARVEY BOSHART <harvey.boshart@gmail.com>
Sent: Tuesday, December 5, 2017 8:31 PM
To: Donna VanderClock; Gillespie, Doug; Chris Houston
Subject: Fwd: RE: Hi Pam- MWRA hook up question
Attachments: op11_xx.pdf

----- Forwarded message -----

From: "Heidell, Pamela" <Pamela.Heidell@mwra.com>
Date: Sep 14, 2017 10:04 AM
Subject: RE: Hi Pam- MWRA hook up question
To: "HARVEY BOSHART" <harvey.boshart@gmail.com>
Cc:

Harvey,

Attached please find OP#11. It is not on-line, in part because we want to make sure those contemplating connections to MWRA speak with us before they go too far down the path.

40B developments raise interesting questions. In my Town, I was previously Chair of the ZBA so did work on 40B projects.

-Pam

From: HARVEY BOSHART [mailto:harvey.boshart@gmail.com]
Sent: Thursday, September 14, 2017 9:53 AM
To: Heidell, Pamela <Pamela.Heidell@mwra.com>
Subject: RE: Hi Pam- MWRA hook up question

Ok great information. I wonder if an abutter or otherwise can sue/appeal if the town, host town or MWRA deny the connection?

I couldn't find OP.11 online if you can provide so I can review.

Thanks again. Funny that our paths crossed again.

Best,

Harvey

On Sep 13, 2017 8:54 AM, "Heidell, Pamela" <Pamela.Heidell@mwra.com> wrote:

Hi Harvey,

Regis was authorized to connect to MWRA and a Sewer Agreement was executed in 2002. Included in the Agreement is a provision that "no additional connections will be made to the pipe without prior approval of MWRA and compliance with applicable law." For MWRA approval, OP#11 would apply. Provisions of OP#11 require written approval of the CEO and DPW Director/Sewer Commission of both the host community and the transporting community.

So, if we approve one (Regis), it is clearly not the case that other abutters can connect pursuant to both our policy and the Regis/MWRA agreement.

We have never had a case where a 40B project has requested waiver of local approval of a sewer extension from outside the service area.

-Pam

From: HARVEY BOSHART [mailto:harvey.boshart@gmail.com]

Sent: Tuesday, September 12, 2017 5:12 PM

To: Heidell, Pamela <Pamela.Heidell@mwra.com>

Subject: Hi Pam- MWRA hook up question

Hi Pam,

I hope you are well. I have a MWRA hookup question for you as a Selectman of Weston.

As you may be aware, Regis connected to the Waltham sewer years ago (whether authorized or not). The town changed the bylaws so that any sewer connection needs to get approved at town meeting and I believe the MWRA also restricted anyone else to connect to that line.

There is currently a 40b project close to the line on Route 20 that is using an unproven septic technology to develop a large apartment building.

The question (or concern) is that if the technology fails due to safety, etc the MWRA could allow a connection and one that happens every neighbor, etc could hook up legally. Obviously this could drastically change town.

Is this possible that once you let in one that legally abutters, etc can connect?

Thanks for your thoughts and I hope you are going well.

Best,

Harvey

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Monday, December 4, 2017 9:37 AM
To: Tom Timko; susan habergmail; Shirley Dolins; SarahRhatigan (sarah@trilogylaw.com); Michael Price; Kenneth A. Newberg (knewberg@gmail.com); Hugh Jones; Gerri Scoll; Doug Gillespie; James Polando; Leslie Glynn; ThaliaPrice (naturalbuz@comcast.net)
Subject: HT meeting Wednesday 12/6 @ 7:30 - in Wayland
Attachments: HTagenda 6Dec17.docx

Hello Trustees -

Please see attached agenda for this Wednesday's meeting. The meeting will be held at the Wayland Town Building starting at 7:30 p.m.

Please let me know if you are not able to attend.

Also note that the Sidewalk and Traffic Committee has confirmed there will be a Parcel 9 site walk on Tuesday 12/12 @ 9am. The meeting/parking location is the Case Estates Barn.

Thank you,

Liz

--
 Elizabeth Valenta
 Regional Housing Service Office
 141 Keyes Road
 Concord MA 01742
 Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1093

On Wed, Nov 15, 2017 at 12:10 PM, Elizabeth Valenta <evalenta@rhsousing.org> wrote:
 Hello Trustees -

The next HT meeting Scheduled for Wednesday 12/6 @ 7:30 p.m. - in Wayland. The meeting will start with a joint meeting with the Wayland Housing Trust followed by a separate meeting will be held with just Weston Trustees. Agenda to follow. Please let me know if you will *not* be able to attend.

At today's meeting we discussed several properties for the Homeownership project. I have attached the property sheets and maps (listed below). The other two locations that were mentioned, were on Boston Post Rd and Winter Street.

Please let me and/or Sarah know of any properties you are aware of that should be looked into for the project.

Thanks,
 Liz

Address: 37 Partridge Hill Rd, Weston MA 02493

Foreclosed: \$918,951

4 bds • 3 ba • 2,744 sqft

2.3 Acres - Considerable portion wetlands

Address: 1 Derby Lane

4 bds, 3 Bath

Price: \$870,000

.73 Acres - street frontage on Boston Post road and Derby Lane (adjacent undeveloped lot)

Address: 29 Plain Rd.

Price: \$989,900

3 bds, 2 bath

2.7 Acres

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**TOWN OF WESTON
WESTON AFFORDABLE HOUSING TRUST (HT)**

AGENDA

**WEDNESDAY
DECEMBER 6, 2017 – 7:30 P.M.**

**WAYLAND TOWN BUILDING
41 Cochituate Road, Wayland, MA**

COMMITTEE BUSINESS

7:30 p.m. – 8:20 p.m.

1. Meet with Wayland Municipal Affordable Housing Trust Fund Board

**Relocate in Wayland Town Building for regular
Weston Affordable Housing Trust Meeting**

8:20 p.m. – 8:30p.m.

2. Public comment

8:30 p.m. – 8:40

3. Approve Meeting Minutes -
(3/6/17, 5/30/17, 6/27/17, 7/20/17, 9/7/17, 10/18/17, 11/1/17 and 11/15/17)

8:50 p.m. – 9:00 p.m.

4. Warren Avenue –
 - a. Next Steps Phase II Construction
 - b. Discuss Revisions to Income Restrictions, Affordability Designation and Rent Determination

9:00 p.m. – 9:20 p.m.

5. HT Affordable Home-Ownership Opportunity Fund

9:20 p.m. – 9:30 p.m.

6. Other Affordable Housing Updates
 - a. 40B Developments
 - b. Parcel 9

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Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Friday, November 10, 2017 9:22 AM
To: Sarah Rhatigan (sarah@trilogylaw.com); Doug Gillespie; Gerri Scoll; Hugh Jones; Kenneth A. Newberg (knewberg@gmail.com); Michael Price; Shirley Dolins; susan habergmail; Tom Timko; ThaliaPrice (naturalbuz@comcast.net); James Polando; Leslie Glynn; Planning Board Town of Weston; Donna; Elizabeth Rust
Subject: Re: Next HT meeting - Wednesday 11/5 @ 7:30 a.m.
Attachments: HT_agenda 15Nov17.docx; Waltham Mayor's Letter to MassHousing - Memo to Waltham City Council Members.pdf; HT MIN.11.01.17 draft.docx

Hello Trustees -

Please see the attached agenda for the upcoming Housing Trust meeting **Wednesday November 15th, at 7:30 A.M.**

Let me know if you will not be able to attend.

Sarah had asked me to also pass along the attached letter regarding Boston Properties development and also attached is a draft of 11/1 meeting minutes.

Have a nice weekend.

Liz

On Mon, Nov 6, 2017 at 12:54 PM, Elizabeth Valenta <evalenta@rhsousing.org> wrote:
Hello Trustees -

Please note that the next HT meeting has been scheduled for Wednesday, 11/15 @ 7:30 a.m. Agenda to follow. Please let me know if you are *not* able to attend.

A couple items of note/interest:

- A recent Globe article on the housing production and school impact
http://edition.pagesuite.com/popovers/article_popover.aspx?guid=db56a268-5496-46b7-a41e-271bfce52755 and the MAPC study cited in the report can be found here: <https://www.mapc.org/enrollment/>
- Warren Avenue Housing:
 - Attached Draft Monitoring Report and Memo on rent and occupancy policies (Memo was revised from version handed out at last meeting)
 - Attached Warren Ave design/construction plans for renovation of 66-68.
 - HT request for CPA funds for Warren Avenue will be on the warrant for the 2017 Special Town Meeting Tuesday, 11/28 @ 7:00 p.m. More information can be found here: <http://www.weston.org/1234/2017-Special-Town-Meeting>
- HT memo in response to PB questions, final letter attached. As was discussed at the meeting.

Please let me know if you have any questions.

Thanks,

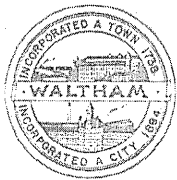
Liz

--
Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1093

--
Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1090



City of Waltham

Jeannette A. McCarthy
Mayor

CITY OF WALTHAM
CITY CLERK'S OFFICE

2017 SEP -7 A 8:36

RECORDED

September 7, 2017

TO: The City Council
RE: Weston Quarry Residences
Weston, MA

Dear Councillors:

Enclosed please find:

1. August 21, 2017
Communication from MassHousing to Boston Properties
2. March 24, 2017
Communication from MassHousing to Boston Properties
3. August 7, 2017
My response to MassHousing

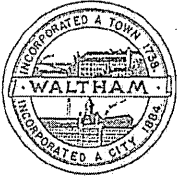
Sincerely,

Jeannette A. McCarthy

JAM/ccb

Enclosures

cc: City Solicitor John Cervone
First Assistant City Solicitor Patricia Azadi
Waltham ZBA



City of Waltham

Jeannette A. McCarthy
Mayor

August 7, 2017

Gregory Watson, Manager of Comprehensive Permit Programs
Mass Housing
One Beacon Street
Boston, MA 02108

RE: MA HID No. 914
Weston Quarry Residences, Weston, Massachusetts

Dear Mr. Watson:

On July 7, 2017, a supplementary information package was provided to my office, which is the first filing that I received on this case. Up until this date, the project was confined in the Town of Weston. Now due to pressure from Weston residents, Church Street residents, as well as elected and appointed officials, Boston Properties and the Town of Weston are proposing that all access to and from this property be through Jones Road in Waltham, except for the Weston school busses. This proposal will require numerous waivers from the City of Waltham to do this.

To indicate that the Town of Weston and Boston Properties cannot utilize Route 20 or other Weston roads as access and egress for this 345-unit, primarily luxury housing development in Weston is illogical and without valid support.

On July 19, 2017, Waltham Housing Director Robert Waters and I attended a site view for the project at which time I was advised that a multi-modal center was proposed in the Town of Weston. We were also advised there are no actual plans to build a multi-modal center, as part of this project, but Boston Properties was just going to provide an easement for a multimodal center for someone who may build it in the future. I also learned that 2000 vehicles per day were anticipated to come out onto Jones Road from this Weston 40B project.

Michael Cantalupa, Sr. Vice President of Boston Properties signed an agreement with the City of Waltham concerning future development of Lots 1A, 17A and 17B. Said lots surround Jones Road on the left, right and below. (See Attached Exhibit A)

Before any traffic could access Jones Road over one or more or all of those three lots, approval of the Waltham City Council would be required under this private agreement between the City of Waltham and Boston Properties. (See Attached Exhibit B)

The current proposal to access Jones Road in Waltham for a Weston 40B is contrary to this Agreement between Boston Properties and the City of Waltham, and is also contrary to City of Waltham zoning.

I believe a timeline is helpful:

Timeline

133 Boston Post Road, Weston, MA project "is being proposed as the result of an over two-year ongoing discussion with the Town of Weston..." (Boston Properties, December 9, 2016 Letter to Mass Housing) (Project did not involve the City of Waltham during this time.)

Unknown Date

The Town of Weston approached the owner of 133 Boston Post Road, Weston (Site) to propose that the property be developed into affordable housing. (Weston Selectman letter to Mass Housing, December 8, 2016)

Boston Properties is an Office Park Developer and has never built a 40B (May 2016 40B application.)

Problem #1 – The Site has a Development Restriction dated June 4, 2008 and recorded December 18, 2008.

June 28, 2016

Town of Weston identifies Boston Properties "friendly 40B" - 200 units - as a location for affordable housing in year 2 (2017) of its 2016-2020 Housing Plan. (Not 345 units as now proposed)

November 17, 2016

Town of Weston and Boston Properties amend the Development Restrictions on Site to allow:

1(b) multiple buildings on lots 3-5 as shown on 1999 Definitive Plan may be used for the intermodal train station use...and for a multi-family rental residential uses... for no less than 275 rental units.

Lots 4 and 5 to be used only for the allowed train station and residential rental uses and no other purposes. An intermodal train station, including without limitation, a platform and parking garage may take place on the Development Parcel.

First amendment not effective until/unless various conditions are met. (See attached Exhibit C, Page 4)

August 7, 2017

Gregory Watson

Page 3 of 3

December 9, 2016

Filed application was for 345 rental units. Eligibility Letter issued on March 24, 2017. The Eligibility Letter was geared for a Weston development, not Waltham.

Now after working on the proposal for two years, including a multi-modal center in Weston, Boston Properties and Weston transfer the burden to Waltham with a minute "infinitesimal" benefit to Waltham residents or the City of Waltham.

The developer will make millions with very little output. There will be no mitigation at all, no multimodal center, no Rte. 117 Bridge, no Green Street access to the project or the highway, which they touted in the project narrative.

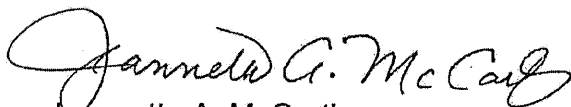
Weston satisfies its "40B problem" and the Citizens of Waltham take the brunt of this. The public gets mostly luxury housing, some affordable by definition, but in reality not affordable at all. Impact on the Waltham schools, who knows? Emergency services? Another multi-story wood-frame construction? Need? Water and sewer?

Traffic on 117 Weston is horrible now. The principles of "smart development" are not satisfied even under the state's liberal standard. 2000 more cars are proposed to be pushed onto Rte. 117 in Waltham, and there will still be no public transportation to eliminate single occupancy vehicles from already overburdened local roads in Waltham and Weston, nor from the state's gridlocked highway system.

I am opposed to dense luxury housing and more traffic, both of which lessen the quality of life of the Citizens of Waltham.

Thank you for the opportunity to comment. If you have any questions, please do not hesitate to call me.

Sincerely,



Jeannette A. McCarthy

JAM/ccb

Enclosures

cc: Jessica Malcolm

Weston Affordable Housing Trust
November 1, 2017

Housing Trust Members Present ("HT"): Chair Sarah Rhatigan, Susan Haber, Shirley Dolins, Kenneth Newberg, Hugh Jones.

Also Present: Liz Valenta (RHSO)

Item 1: Public Comment:

There was no public comment.

Item 2: Approve Meeting Minutes :

The minutes of September 18, 2017 were approved as amended. Sarah Rhatigan reported that a change to the Open Meeting Law required minutes to be furnished two weeks subsequent to a meeting. Trust members discussed the possibility of hiring someone to take the minutes. This led to a further discussion of additional staffing needs and whether the Trust should consult with the Town Manager regarding future hiring. It was decided that we should re visit our priorities and goals for the next year in order to get a better sense of the need for staffing.

Item 3: Review Applications for Home Repair Grant:

Liz Valenta provided the Trust with 5 redacted applications (in order to preserve the privacy of the Applicants) that described the work that the homeowners sought. Criteria for granting funds to an applicant were based on preservation of the affordable housing stock and health and safety issues presented by the Applicant. Bids for cost of projects were submitted by some but not all Applicants. It was decided that for this first go round of Home Repair Grants, a maximum of \$5000 per grant would be awarded. Liz Valenta will make sure that the contractors are bonded and that the invoices go to the Housing Trust for payment. Inspection of the properties may be made prior to issuance of a grant.

The following Applications were approved for a grant for the following work:

Application #2 will be awarded \$5,000 for replacement of windows; Application #3 will be awarded \$5,000 for bathroom repairs; and Application #5 will be awarded \$5,000 for bathroom repairs and exterior door weather stripping.

Item 4: Warren Avenue:

Bids were sent out for the design and construction of #66-#68 Warren Avenue by the PBC and the Town of Weston Facilities Director prior to the Trust's review of the drawings. Tom Timko and Liz Valenta will review the drawings for completeness and conformance to the original plans. The Trust will meet with the Historical Commission prior to Town Meeting at the end of November. We will need the following information on the proposed sheds besides location- materials proposed, any proposed windows or exterior lighting, color of materials.

Discussion of occupancy policy, income restrictions and annual rent increase was postponed to a later date.

Item 5: HT Affordable Home-Ownership Opportunity Fund:

Discussion postponed until the next meeting. It was anticipated that this would be a "big picture" discussion and that we would re-visit the best strategy that the Trust would take regarding large vs. small developments.

Item 6: 40B-Project Update:

The next Public Hearing for #133 Boston Post Road (Boston Properties) held by the Planning Board was scheduled for September 26, 2017.

The Trust will send a response to the Planning Board Memo dated 8/24/17 inquiring about affordable housing opportunities in Town.

Respectfully Submitted,
Susan Haber, Clerk Pro Tem

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Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Monday, November 6, 2017 12:54 PM
To: Sarah Rhatigan (sarah@trilogylaw.com); Doug Gillespie; Gerri Scoll; Hugh Jones; Kenneth A. Newberg (knewberg@gmail.com); Michael Price; Shirley Dolins; susan habergmail; Tom Timko; Thalia Price (naturalbuz@comcast.net)
Subject: Next HT meeting - Wednesday 11/5 @ 7:30 a.m.
Attachments: Warren Ave Combined Set 10-30-17.pdf; Weston_Warren Ave Monitoring Report 11.1.2017draft.pdf; WAHT response to 24Aug17 Letter from PB 11Sept2017 final.pdf; Warren Ave - ev memo roommate_rent_mix 6Nov17.pdf

Hello Trustees -

Please note that the next HT meeting has been scheduled for Wednesday, 11/15 @ 7:30 a.m. Agenda to follow. Please let me know if you are *not* able to attend.

A couple items of note/interest:

- A recent Globe article on the housing production and school impact http://edition.pagesuite.com/popovers/article_popover.aspx?guid=db56a268-5496-46b7-a41e-271bfce52755 and the MAPC study cited in the report can be found here: <https://www.mapc.org/enrollment/>
- Warren Avenue Housing:
 - Attached Draft Monitoring Report and Memo on rent and occupancy policies (Memo was revised from version handed out at last meeting)
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- HT memo in response to PB questions, final letter attached. As was discussed at the meeting.

Please let me know if you have any questions.

Thanks,

Liz

--
Elizabeth Valenta
Regional Housing Service Office

71
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSohousing.org

Office Phone: [978-287-1093](tel:978-287-1093)

Weston Affordable Housing Trust

September 11, 2017

To: Weston Planning Board (aiu.i@westonmass.org)
selectmen@westonmass.org

Re: Response to Planning Board Memo Requesting Information Relating to MBL 40B, Subsidized Housing Inventory and Housing Production Plan

We members of the Weston Affordable Housing Trust first want to express our appreciation for the Planning Board's work in assisting the Town of Weston in evaluating the proposed affordable housing rental development and additional office building at 133 Boston Post Road. The Housing Trust has submitted letters of conditional support and recommendations with regard to the affordable housing rental development at 133 Boston Post Road, after having met with Boston Properties on several occasions at earlier stages of their planning process. With respect to the affordable housing aspects of their proposal only, the Housing Trust members continue to believe that a sizable development at this site could be of great benefit, both in terms of providing the much needed affordable and market-rate apartments to our Town, and also in terms of Weston reaching its goal of 10% of its housing stock being "affordable" as defined under M.G.L. c.40B, thereby providing us with the ability to control other c.40B development pressures throughout our Town.

The Housing Trust remains hopeful that the Town is able to continue to work cooperatively with Boston Properties to come to an agreement on a proposal that will meet the Town's significant need for affordable rental housing, while minimizing adverse impacts to the Town.

In response to your memo dated August 24, 2017, we have done our best to answer your questions below. Please note that in responding here, the Housing Trust is relying upon its members' understanding of c.40B and its regulations, with assistance from our administrator, but without consulting an attorney or outside specialists on these matters.

Weston Housing Production Plan Steering Committee. (November 2015). *Town of Weston Housing Production Plan*. Weston: Town of Weston.

DHCD Massachusetts (December 2014). G.L. C.40B COMPREHENSIVE PERMIT *Guidelines*. Boston: DHCD Massachuettts.

1. **PB QUESTION: Age Restricted and Assisted Living Developments. A number of residents asked if the project could be an age restricted or assisted living facility. Such a development would reduce traffic impacts and meet a need documented in the HPP. However are such developments restricted under Chapter 40B or the associated rules (760 CMR 58) in any way by the State? Are units in such projects credited to the SHI to the same level as units in a conventional project, particularly if all the units are rental do all units then count in the SHI?**

Chapter 40B and its regulations, including the Mass. Department of Housing and Community Development (DHCD)'s Guidelines, allow for the possibility of age-restricted and assisted living facilities which meet the c.40B requirements for affordable housing developments qualifying as "affordable units" on the Town's Subsidized Housing Inventory (SHI), but only if DHCD determines that the Town has established a local need for such housing and marketability of the units. Refer to DHCD Guidelines, Section VI.A.2. Consistency with Local Need (DHCD Guidelines, 2014).

Referring to Weston's current Housing Production Plan (Adopted in November 2015) (the HPP), Weston has documented a need for more senior affordable housing, while also documenting the need for more affordable starter housing opportunities to attract young adults, including families. The HPP identifies senior rental housing as a priority need with production goal of 40% of new housing constructed to be for seniors (HPP, 2015). With regard to the question of marketability, this usually is determined by the developer.

SHI Eligibility. The regulations with respect to SHI eligibility for age restricted and assisted living facilities are essentially the same as that for non-age restricted/non-assisted living, affordable rental housing; for all units in the development to be counted on the SHI if at least 25% of units are to be occupied by Income Eligible Households earning 80% or less than the area median income, or alternatively, if at least 20% of units are to be occupied by households earning 50% or less of area median income. If fewer than the required units are provided, only the affordable units will be eligible to be included on the SHI.

If the Town were to consider requesting or requiring Boston Properties to alter its housing proposal so as to be an age-restricted or assisted living facility, there are some important issues that we would like to point out:

- a) In making such determinations, the Town must be cognizant of, and compliant with state and federal Fair Housing Laws which require that a Town may not make such a determination if it will result in a disparate impact to families, or if the decision results in unintentional discrimination against families.

b) The financial viability, marketability and desirability of age-restricted and assisted living facilities is very important to consider, not only from the developer's standpoint, but from the Town's perspective as well. These types of development are underwritten differently than traditional rental properties. The developer should speak to the financial viability for these types of developments. It is also our understanding that subsidizing agencies are similarly finding it difficult to underwrite age-restricted developments. It is also our understanding that financial subsidies (in addition to the density allowed under c.40B) would be required for to make a 20-25% affordable unit - assisted living development viable.

2. PB QUESTION: Purchasing Affordability Restrictions - It was asked if you can purchase or somehow negotiate an affordability restriction on units in an existing project and have the whole project count toward the SHI. This was proposed with large existing assisted living and senior facilities like the Wingate at Weston in mind.

To our knowledge, the "purchasing" of affordable units in an existing rental development, and thereby adding all of the rental units within the project to the SHI, is not directly addressed in the G.L. C.40B Comprehensive Permit Guidelines. It is uncertain whether and under what conditions DHCD would count all of the units in an existing development if the 20-25% affordable unit threshold was reached. Here are some other considerations to consider. There is a limited stock of potential existing assisted living facilities in Weston, no indication or reason to believe the owners/operators of such facilities have any need or interest in such a "purchase" and its related regulatory and financial requirements. The cost to "purchase" the affordability of a unit in one of these facilities is likely to be prohibitively high, especially since assisted living tenant costs include not only room, but also "board" and care services which must be taken into consideration when calculating a tenant's affordable rent. The affordable deed restriction would be applicable to the unit in perpetuity, and therefore it would be extremely difficult to calculate an appropriate "purchase" price (subsidy) for an affordable unit in the project. Finally, in order for units be added to the SHI, the owner/operator of the facility would be required to implement an approved Affordable Fair Housing Marketing Plan (AFHMP). These could take years if not decades to implement. These considerations lead us to believe that this is not a viable or desirable option at this time

3. PB QUESTION: What was the outcome on alternative parcels such as the St. Pope Paul XXIII Seminary, Campion Center, and Regis College etc?

The Housing Trust continues to be interested and open to working with owners of property throughout Weston. In fact, the Town appropriated funds to the Housing Trust this May 2017 and the Housing Trust is engaged in a process to locate sites suitable for a smaller

scale homeownership program. With regard to other private properties identified in the HPP (2015), we do not have any indication of interest on the part of the owners of St. Pope Paul XXIII Seminary, Campion Center, or Regis College, but will continue with outreach efforts here and elsewhere in Town.

4. PB QUESTION: What is the status of other HPP initiatives such as Brooks School?

The Elderly Housing Committee who oversees Brook School is currently working with its consultants on a feasibility analysis for possible addition of elderly housing apartments as an annex to the existing buildings.

There were many sites considered during the HPP process, many of the sites were eliminated or removed from the list of potential properties due to being rendered unacceptable/unavailable for development. One such property was Burt Field, which was then removed from consideration due to a conservation restriction approved at Town Meeting in May 2017.

216-218 Boston Post Road – Weston Affordable Housing Foundation Inc. (WAHFI) project conceptual plans and feasibility studies are underway to determine how many units can be developed on the property (2-4 units).

Housing Trust – HT continues to seek a property to purchase with CPA funds for an affordable homeownership project. HT is at the early stages of considering the feasibility of two town-owned parcels that may be appropriate for housing development: 0 Wellesley Street (on the corner of Wellesley Street and Boston Post Road) and a portion of the land located on Merriam Street adjacent to the Community Gardens.

5. PB QUESTION: Can we consider other alternative properties such as land that may have been made available by the removal of the toll gates on the Mass Turn Pike?

Yes, we have made inquiries with the Commonwealth of Massachusetts. There is no response yet in terms of what land may become available, and note that these will likely be constrained sites on the edge of the Massachusetts Turnpike, and perhaps not suitable for housing development. The Housing Trust will continue to monitor and advise the community if there are any opportunities for development. These opportunities would no doubt arise many years down the road.

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Wednesday, October 25, 2017 10:18 AM
To: susan habergmail; Sarah Rhatigan(sarah@trilogylaw.com); Kenneth A. Newberg(knewberg@gmail.com); Tom Timko; Thalia Price (naturalbuz@comcast.net); 'naturalbuz@aol.com' (naturalbuz@aol.com); Hugh Jones; Doug Gillespie; Shirley Dolins; Gerri Scoll
Subject: Final Decision for 104 Boston Post Road
Attachments: FINAL 104 BPR.docx

Hello Trustees -

Sarah asked that I forward to you all the Zoning Board of Appeals decision for 104 Boston Post Road denying the comprehensive permit.

Please see attached.

Liz

From: Stockman, Noreen [<mailto:stockman.n@westonmass.org>]
Sent: Monday, October 23, 2017 5:04 PM

Subject: Final Decision for 104 Boston Post Road

Attached is final word version of the Decision. Thank you all for your help in providing input for this proposal.

Noreen

Noreen H. Stockman

Staff Assistant for the Zoning Board of Appeals

and Housing Partnership

Town of Weston

P.O. Box 378

Weston, MA 02493

781-786-5062

--
Elizabeth Valenta
Regional Housing Service Office
141 Keyes Road
Concord MA 01742
Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1093

Gaumond, Leon

From: VanderClock, Donna <VanderClock.D@westonmass.org>
Sent: Monday, October 23, 2017 5:07 PM
To: Gillespie, Doug; Houston, Christopher; Boshart, Harvey
Cc: Yanakakis, Lisa; Fleming, Kara
Subject: FW: Final Decision for 104 Boston Post Road
Attachments: FINAL 104 BPR.docx

Donna S. VanderClock
Town Manager
Town of Weston
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Weston, MA 02493
781-786-5020
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www.weston.org - sign up for email or text Town news
[Facebook: Town of Weston, MA](#)
[Twitter: @Town_of_Weston](#)

Please be aware that the Secretary of State's office has determined that most emails are public records and, therefore, may not be confidential.

From: Stockman, Noreen
Sent: Monday, October 23, 2017 5:04 PM
To: VanderClock, Donna; Field, John F.; Grzenda, Michele; Aiu, Imaikalani; Fogg, Steve; Diotalevi, Wendy; Cullen.Thomas; Sweeney, Richard; Soar, David Chief; Goulding, Michael; Broomer, Kathleen; Sarah Like Rhatigan (Sarah@TrilogyLaw.com); Black, Danielle
Subject: Final Decision for 104 Boston Post Road

Attached is final word version of the Decision. Thank you all for your help in providing input for this proposal.

Noreen

Noreen H. Stockman
Staff Assistant for the Zoning Board of Appeals
and Housing Partnership
Town of Weston
P.O. Box 378
Weston, MA 02493
781-786-5062

Gaumond, Leon

From: Hugh Jones <chiefyjones@gmail.com>
Sent: Friday, October 20, 2017 1:43 PM
To: Elizabeth Valenta
Cc: Sarah Rhatigan (sarah@trilogylaw.com); susan habergmail; Kenneth A. Newberg(knewberg@gmail.com); Doug Gillespie; Tom Timko; ThaliaPrice (naturalbuz@comcast.net); 'naturalbuz@aol.com' (naturalbuz@aol.com); Shirley Dolins; Leslie Glynn; James Polando
Subject: Re: Next Trust Meeting Scheduled for Wednesday Nov. 1 @ 7:00 P.M.

Thank you, Liz. I look forward to being there.

Warm regards.

Hugh

On Wed, Oct 18, 2017 at 12:15 PM, Elizabeth Valenta <evalenta@rhsousing.org> wrote:
Hello -

Please note the next Weston Affordable Housing Trust Meeting has been scheduled for **Wednesday Nov. 1, 2017 starting at 7:00 PM.** Please email me if you will *not* be able to attend.

Also, Sarah asked me to forward the email below with an update from Noreen Stockman on the 40B project at 104 Boston Post Road which was denied a Comprehensive Permit by the ZBA.

Liz

-----Original Message-----

From: Stockman, Noreen [mailto:stockman.n@westonmass.org]
Sent: Wednesday, October 18, 2017 11:11 AM
To: Sarah Rhatigan (sarah@trilogylaw.com) <sarah@trilogylaw.com>
Subject: RE: 104 BP Rd

Hi Sarah,

The Zoning Board of Appeals voted 3-0 tonight to deny the Comprehensive Permit for 104 Boston Post Road, primarily due to the fact that the site is within Zone A, within 400 feet of a public drinking water supply, and that there is not a way to mitigate potential detrimental impacts. The Board is continuing to work on the language of the final document, and will meet next on Thursday, Oct. 19. The Board will reserve meeting time on Monday, October 23, and expects to file its final written Decision on that date.

Noreen H. Stockman
Staff Assistant for the Zoning Board of Appeals and Housing Partnership Town
of Weston P.O. Box 378 Weston, MA 02493

781-786-5062

-----Original Message-----

From: Sarah Rhatigan (sarah@trilogylaw.com) [<mailto:sarah@trilogylaw.com>]

Sent: Wednesday, October 18, 2017 8:44 AM

To: Stockman, Noreen

Subject: 104 BP Rd

Hi Noreen- when is the ZBA meeting next on this and when do you expect they will render a decision?

Sarah Like Rhatigan

617-543-7009

Sent from my iPhone

--

Elizabeth Valenta

Regional Housing Service Office

141 Keyes Road

Concord MA 01742

Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1090

--

Hugh R. Jones Jr.

Cell - 617-538-3699

chiefyjones@gmail.com

Gaumond, Leon

From: Gillespie, Doug <Gillespie.d@westonmass.org>
Sent: Thursday, October 19, 2017 5:39 PM
To: VanderClock, Donna
Subject: Re: 133 BPR

Put it out there. We're unanimous, but never took a vote

Sent from my iPhone

On Oct 19, 2017, at 5:07 PM, VanderClock, Donna <VanderClock.D@westonmass.org> wrote:

If you're reluctant, I think we can hold off. The people who received it are the most tuned in to the project. They thought it was important to get information out before their 10/25 meeting.

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From: Gillespie, Doug
Sent: Thursday, October 19, 2017 5:06 PM
To: VanderClock, Donna
Subject: Re: 133 BPR

If it's already been sent out then, yes, I guess it should go on website. Sorry they didn't wait until end of next week, but we didn't tell them it wasn't final

Sent from my iPhone

On Oct 19, 2017, at 4:58 PM, VanderClock, Donna <VanderClock.D@westonmass.org> wrote:

Doug,

Imai and the PB sent out the notice below through the Planning Board's website email list. Are you OK with this going on the project page?

Thanks.

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From: Planning Board [<mailto:listserv@civicplus.com>]

Sent: Thursday, October 19, 2017 9:30 AM

To: Fleming, Kara

Subject: New Agenda 10/25/2017 For www.weston.org

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***** Planning Board *****

A continued public hearing for the Boston Properties office addition and residential 40B was scheduled for October 25, 2017. This date was set in anticipation of making a recommendation to the Selectmen for the Fall Special Town Meeting. The hearing is still on the agenda and the board will take public testimony and provide a general status update. However, as there are still numerous issues to work out on the project, the number of units, number of buildings, the possibility of age restricted project, etc, the Planning Board, on Wednesday, will not be discussing a recommendation to the Board of Selectmen. Further the Board of Selectmen have determined not to place the matter on the warrant for the November Town Meeting. The Planning Board is actively continuing work on the project and will provide an updates as the project proceeds. If there are any questions please contact the Town Planner.

Planning Board

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Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Wednesday, October 18, 2017 12:16 PM
To: Sarah Rhatigan (sarah@trilogylaw.com); susan habergmail; Kenneth A. Newberg(knewberg@gmail.com); Doug Gillespie; Tom Timko; ThaliaPrice (naturalbuz@comcast.net); 'naturalbuz@aol.com' (naturalbuz@aol.com); Shirley Dolins; Leslie Glynn; Hugh Jones; James Polando
Subject: Next Trust Meeting Scheduled for Wednesday Nov. 1 @ 7:00 P.M.

Hello -

Please note the next Weston Affordable Housing Trust Meeting has been scheduled for **Wednesday Nov. 1, 2017 starting at 7:00 PM.** Please email me if you will *not* be able to attend.

Also, Sarah asked me to forward the email below with an update from Noreen Stockman on the 40B project at 104 Boston Post Road which was denied a Comprehensive Permit by the ZBA.

Liz

-----Original Message-----

From: Stockman, Noreen [mailto:stockman.n@westonmass.org]
 Sent: Wednesday, October 18, 2017 11:11 AM
 To: Sarah Rhatigan (sarah@trilogylaw.com) <sarah@trilogylaw.com>
 Subject: RE: 104 BP Rd

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Noreen H. Stockman
 Staff Assistant for the Zoning Board of Appeals and Housing Partnership Town of Weston P.O. Box 378 Weston, MA 02493
[781-786-5062](tel:781-786-5062)

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 Sent: Wednesday, October 18, 2017 8:44 AM
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Sarah Like Rhatigan

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Sent from my iPhone

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Elizabeth Valenta

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Email: evalenta@RHSohousing.org

Office Phone: 978-287-1090

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Wednesday, October 11, 2017 11:04 AM
To: Sarah Rhatigan (sarah@trilogylaw.com); susan habergmail; Kenneth A. Newberg(knewberg@gmail.com); Hugh Jones; Doug Gillespie; Tom Timko; Shirley Dolins; 'naturalbuz@aol.com' (naturalbuz@aol.com); ThaliaPrice (naturalbuz@comcast.net); Gerri Scoll; Leslie Glynn; James Polando; Planning Board Town of Weston; Elizabeth Rust; Donna; Sara Dosamantes
Subject: Weston Affordable Housing Trust Meeting - Wednesday 10/18 at 7:30 a.m.
Attachments: HTagenda 18oct17 final.docx

Hello all -

The next Weston Affordable Housing Trust meeting is scheduled for 7:30 a.m. on Wednesday October 18th. Please see attached agenda.

Please let me know if you have any questions.

Thanks,
 Liz

Other meetings of interest:

Historical Commission - Postponed

ZBA - Wednesday, October 11, 2017, 7:00 p.m. - 104 Boston Post Road (deliberations and possible vote)

CPC Public Hearing - Monday, October 23rd, 7:00 p.m. - CPA Fund request for Warren Avenue

Planning Board Public Hearing - Wednesday, October 25th, 7:30 pm - Continuation of Public Hearing on Boston Properties proposed project

Elizabeth Valenta
 Regional Housing Service Office
 141 Keyes Road
 Concord MA 01742
 Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1090

Gaumond, Leon

From: VanderClock, Donna <VanderClock.D@westonmass.org>
Sent: Tuesday, October 10, 2017 8:56 AM
To: Gillespie, Doug
Subject: FW: 41 Ripley and Affordable Housing

FYI

Donna S. VanderClock
 Town Manager
 Town of Weston
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 Weston, MA 02493
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From: Russell Brackett [<mailto:russell.brackett@comcast.net>]
Sent: Monday, October 09, 2017 7:01 PM
To: Harrity, Michael
Cc: kklein@k-plaw.com; VanderClock, Donna
Subject: RE: 41 Ripley and Affordable Housing

Hi Michael,

This helps a lot. Thank you. Not only that, it is very timely. I am meeting with the Finance Committee tomorrow morning, so those most interested and engaged will be on hand to discuss. This will certainly help us move forward. And, thanks for allowing yourself to be interrogated after you term expired.

Be well,

Russell

From: Michael Harrity [<mailto:michaelharrity@verizon.net>]
Sent: Monday, October 9, 2017 12:13 PM
To: 'Russell Brackett' <russell.brackett@comcast.net>
Cc: kklein@k-plaw.com; Donna VanderClock <VanderClock.D@westonmass.org>
Subject: RE: 41 Ripley and Affordable Housing

Russell:

- 1) I did assume that for legal reasons there would be a joint management of the sale but the FPC's interests and needs in the process would be protected because joint management requires the agreement of both parties on the sale process. So:
 - a. The Church's desired sale schedule can be accommodated (I am not sure where the "without delay" came from) and described in the agreement;

- b. The parties can agree in advance on the terms of an acceptable offer – price and major conditions – and avoid the possibility of losing an offer due to the notoriously slow response time of institutions; and
 - c. The sale must reflect the fair market value of the property so that the parties are protected from a bargain price sale to a favored party, but, as noted in my earlier e-mail, the town can accept an appraised value as the sale price if FPC wants to work toward an affordable housing development on the site.
- 2) My understanding is that the Cy Pres process is required to clear the title so that in the sale process an acceptable offer can go smoothly and quickly to closing;
 - 3) The Town's understanding is that the easement and the sale of 41 Ripley are treated together. It is conceivable that if the overall agreement is signed, the sale by FPC of the easement to the Town could be completed before the 41 Ripley property is sold, but that is not a requirement of the Town.

I hope this helps move us forward.

Micahel

From: Russell Brackett [<mailto:russell.brackett@comcast.net>]

Sent: Thursday, October 05, 2017 11:01 AM

To: 'Michael Harrity'

Subject: RE: 41 Ripley and Affordable Housing

Hi Michael,

Thank you for this. It does clarify some things about which I know very little. In my conversations with Jonathan White (and in his conversations/interactions with the town's attorney) it seemed like this thing was moving away from our original agreement, particularly the first element of that agreement:

- 1) First Parish Church could manage the sale process for 41 Ripley as they see fit;

While, I agree that this may not entitle the church to sell it for less than FMV, there were a number of other adjustments to our agreement that were emerging. These included amending the agreement so that the sale was jointly managed, that the property be listed without delay, that FPC must seek to maximize the value of the property, that we go through a process called Cy Pres, that there was desire to treat the easement separately (and perhaps in advance) rather than as a condition of sale, etc.

I guess it's all to be expected when we move from an agreement of a few bullet points to a contract which satisfies counsel on both sides. Thanks for helping sort this out and if you had discussions on any of these other issues, I would be interested to know where that came out.

Hope you and your family are well,

Russell

From: Michael Harrity [<mailto:michaelharrity@verizon.net>]

Sent: Thursday, October 5, 2017 8:45 AM

To: Russell Brackett <russell.brackett@comcast.net>

Cc: kklein@k-plaw.com

Subject: 41 Ripley and Affordable Housing

Russell:

Apparently there is a misunderstanding regarding Weston's possible role in joining with the Church in supporting affordable housing at 41 Ripley. I had intended to convey the following in my conversation with you on this topic a couple of months ago:

1. Weston must receive it's full share of the fair market value of the property as established by an appraisal or a sale and those funds will go to the Conservation Commission per the Bent will.
2. Funding from Weston for affordable housing at 41 Ripley is a separate matter, but town meeting has consistently voted support of funding for affordable housing.
3. If Weston's Housing Trust supports affordable units at 41 Ripley it may seek funds at a town meeting or dedicate funds from its own accounts to subsidize the development of units there.
4. The Church could make a contribution to affordable units at 41 Ripley either in cash or in kind via a contribution of the land at less than its share of the market value.
5. Weston's Housing Trust has had conversations with representatives of Habitat for Humanity about partnering for development of affordable housing in town.
6. So, it is possible that Habitat for Humanity, the Church and Weston could join together and contribute to subsidizing the construction of affordable housing at 41 Ripley.

If the Church wishes to see affordable housing at 41 Ripley, you should meet with Weston's Housing Trust to discuss the potential size and cost of this development and gauge their potential level of interest and financial support. If there is strong support and sufficient funding for an affordable housing development at 41 Ripley, the Conservation Commission could receive its appropriate share of the fair market value of the property based on an independent appraisal – and that amount could even be funded by Weston's Housing Trust which is as noted a separate approval process and a separate funding pocket.

There is some time to proceed with the exploration of affordable housing at 41 Ripley since the a sign off form the Attorney General is needed to proceed. And, if we do follow this path, we should engage an appraiser other than William Curley whose credibility has been challenged in a lawsuit regarding a 40B project on Merriam Street in Weston.

Michael

Gaumond, Leon

From: Aiu, Imaikalani <aiu.i@westonmass.org>
Sent: Tuesday, October 3, 2017 2:40 PM
To: Susan Smick
Cc: VanderClock, Donna; Gillespie, Doug
Subject: RE: Questions About Meeting 40 B requirements in Weston

Good Day Susan

Thank you for checking in with us on these questions. I've responded in line below.

Sincerely,

Imaikalani P. Aiu
 Town Planner
 Town of Weston
 781-786-5065

Like us on [Facebook](#)

From: Susan Smick [<mailto:ssmick@comcast.net>]
Sent: Monday, October 02, 2017 3:14 PM
To: Aiu, Imaikalani
Subject: Questions About Meeting 40 B requirements in Weston

I would like to thank the Planning Board for your time and efforts.

Terry Eastman has suggested that those who cannot attend the Oct 4th neighborhood meeting should e-mail questions to the Planning Board.

I would appreciate if you would answer the following question that I i have shared with Terry:

1. How many more units in Weston are needed to comply with the provision of 40B that requires 10% of a town's housing to be affordable housing? The HPP notes that we need 246 to fill the current gap. That number will likely be higher in the future at it is based on the decennial census and new affordable units add to the base number. As such people have considered numbers around 275 to be safe estimates.
2. How many of the total proposed Boston Properties' units will be affordable and how many will be rent at market prices? For the current 345 unit development 87 will be affordable and 248 at market. Because they are rentals all units would count toward meeting the 10% requirement. So this project would meet and exceed Weston's housing gap.
3. Will there be a study before a plan for housing development is proposed at town meeting that will answer the following questions:
 - a. What will be done concerning increased traffic on our roads if the "mini city" is built? Weston already has a serious problem with traffic passing through our town, and it is becoming more challenging to find parking in town. – The applicant has prepared a traffic study and amendments that has been peer reviewed by the Town's traffic consultant. The applicant has currently proposed to provide the design for intersection improvements identified in the Town's 2013 Intersection Improvement Study.

b. How will the quality of education in our schools be affected? How many more students will be in classes? The estimates are between 110 – 138 students. Discussions with the School Board indicates that they will be able to handle the additional enrollement.

c. How will our taxes be affected? We already have the highest taxes in the state. Will we have to hire more teachers, policemen, and firemen, etc., resulting in higher taxes? The applicant has prepared a fiscal study which has been reviewed by the Finance Committee. The Finance Committee did have comments and changes, but individual taxes are not expected to increase.

Thank-you

Sincerely,
Susan

Gaumond, Leon

From: Elizabeth Valenta <evalenta@rhsousing.org>
Sent: Wednesday, September 27, 2017 9:59 AM
To: Sarah Rhatigan (sarah@trilogylaw.com); ThaliaPrice (naturalbuz@comcast.net); Tom Timko; Doug Gillespie; Hugh Jones; Kenneth A. Newberg (knewberg@gmail.com); Shirley Dolins; susan habergmail; 'naturalbuz@aol.com' (naturalbuz@aol.com); Gerri Scoll; James Polando; Leslie Glynn; Planning Board Town of Weston
Subject: Re: Weston Affordable Housing Trust Meeting - Wednesday 10/4 @ 7:00 p.m
Attachments: HTagenda 4oct17 final.docx; WAHT Homeownership Opportunity RE letter 27Sept17 final.pdf

Hello Trustees-

The next **Housing Trust meeting** is scheduled for **Wednesday October 4, 2017 at 7:00 p.m.** at **Wayland Town Hall**. You can park in the lot at the back of the building and come in through the doors on the far right as you face the building. We will meet there and then go to the assigned room for the Trust meeting and then join the Wayland Trust for their meeting. Agenda is attached.

I have also attached the letter that I will be sending out to local real estate professionals. Please feel free to forward on to any of your personal contracts.

Please let me if you will *not* able to attend on October 4th.

Other meetings of interest:

Historical Commission - Tuesday October 10, 2017 @ 7:00 p.m - Review Warren Avenue

CPC Public Hearing - Monday, October 23rd , 7:00 p.m. - CPA Fund request for Warren Avenue

MHP Affordable Housing Training - October 5, 2017. Follow this link for more information and to register. <http://www.mhp.net/community/events>

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 Elizabeth Valenta
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 141 Keyes Road
 Concord MA 01742
 Email: evalenta@RHSOhousing.org

Office Phone: 978-287-1090

Gaumond, Leon

From: Sarah Rhatigan <sarah@trilogylaw.com>
Sent: Tuesday, September 26, 2017 6:18 PM
To: 'Buzzy Price'; 'Shirley Dolins'; chiefyjones@gmail.com; 'Doug Gillespie'; Elizabeth Valenta; 'susananne haber'; 'j cheine'; tomtimko@comcast.net; knewberg@gmail.com
Subject: Tonight! Planning Board meeting
Attachments: Boston Properties Town wide meeting; Boston Properties Town wide meeting; FW: HT response to PB 8/24 Memo; Re: Planning Board Request; Planning Board Request; Quick Approval Letter; Re: meet with Sarah and I

Hello All—

I know you have heard from us before on this, but the Planning Board meeting tonight re: Boston Properties' proposal for 133 Boston Post Road is an important one. The Planning Board needs to hear as many voices in support of affordable housing as possible. I urge you to please attend if possible, and speak up, even if just to provide a very simple message of support for the Planning Board's efforts to negotiate for a good housing proposal at 133 Boston Post Road.

(I am sorry that I won't make it. I had a conflict, which I negotiated away, only to come home to a son with a 102F fever. So I'm grounded.)

Thanks all!
-Sarah

Sarah Rhatigan
c- 617-543-7009